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MINUTES

OF THE

SECOND SESSION

OF THE

CONVENTION

OF THE

COMMONWEALTH

OF

PENNSYLVANIA,

WHICH COMMENCED AT

PHILADELPHIA,

On MONDAY the ninth Day of AUGUST,

IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY.

Monday, Auguſt 9, 1790. P. M.

A NUMBER of Members met purſuant to adjournment, but not being a quorum,

Adjourned until three o'clock to-morrow, P. M.

Tueſday, Auguſt 10, 1790. P. M.

A number of members ſufficient to conſtitute a quorum met purſuant to adjournment.

On motion of Mr. M'Kean, ſeconded by Mr. Whitehill,

Adjourned until three o'clock to-morrow, P. M.

Wedneſday,

Wedneſday, Auguſt 11, 1790. P. M.

The Convention met purſuant to adjournment.

A letter from Samuel Ogden, Eſquire, in excuſe for his non-attendance was read, and ordered to lie on the table.

On motion of Mr. M'Kean, ſeconded by Mr. Boyd,

The firſt ſection of the firſt article of the conſtitution publiſhed for the conſideration of the citizens of this commonwealth was read.

It was then moved by Mr. Smilie, ſeconded by Mr. Gallatin,

To adjourn,

Which was carried in the affirmative.

Adjourned accordingly until ten o'clock to-morrow, A. M.

Thurſday, Auguſt 12, 1790. A. M.

The Convention met purſuant to adjournment.

A letter from Melchior Steiner, Printer of the minutes in the German language, was read, in excuſe for not having completed the buſineſs.

Ordered to lie on the table.

The firſt ſection of the firſt article of the conſtitution publiſhed for the conſideration of the citizens of this commonwealth recurring, the ſame was adopted as follows:

Section I. The Legiſlative Power of this Commonwealth ſhall be veſted in a General Aſſembly, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

The ſecond ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section II. The Repreſentatives ſhall be choſen annually, by the citizens of the city of Philadelphia, and of each county reſpectively, on the ſecond Tueſday of October.

The third ſection of the ſaid firſt article being under conſideration, *viz.*

Section III. No perſon ſhall be a Repreſentative, who ſhall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the ſtate three years next preceding his election, and the laſt *year* thereof an inhabitant of the city or county, in which he ſhall be choſen.

A motion was made by Mr. M'Kean, ſeconded by Mr. Lewis,

To ſtrike out the word *year*, and, in lieu thereof, to inſert the words *ſix months*.

Which was determined in the negative.

A diviſion of the ſection being called for by Mr. Sitgreaves and Mr. M'Kean, *viz.*

No perſon ſhall be a Repreſentative, who ſhall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the ſtate three years next preceding his election.

On the queſtion—" Will the Convention agree to that part of the ſaid ſection?

It was determined in the affirmative.

And on the queſtion—" Will the Convention agree to the remainder of the ſaid ſection, *viz.* And the laſt year thereof an inhabitant of the city or county in which he ſhall be choſen?"

It was determined in the affirmative.

A motion was then made by Mr. Edwards, ſeconded by Mr. M'Lene,

To amend the ſaid ſection by adding the following words, *viz.*

And no perſon reſiding within any city, town or borough, which ſhall be entitled to a ſeparate repreſentation, ſhall *vote for or* be elected a member for any county; nor ſhall any perſon reſiding without the limits of any ſuch city, town or borough *vote for or* be elected a member thereof.

It was then moved by Mr. Robinſon, ſeconded by Mr. Hare,

To ſtrike out, from the ſaid amendment, the words *vote for or.*

Which was determined in the affirmative.

And on the queſtion—" Will the Convention agree to the motion of Mr. Edwards and Mr. M'Lene, as amended?"

The Houſe being equally divided the Preſident gave his caſting vote in the affirmative, and the ſaid ſection, with the amendment, was thereupon adopted as follows:

Section III. No perſon ſhall be a Repreſentative, who ſhall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the ſtate three years next preceding his election, and the laſt year thereof an inhabitant of the city or county, in which he ſhall be choſen; and no perſon reſiding within any city, town or borough, which ſhall be entitled to a ſeparate repreſentation, ſhall be elected a member for any county; nor ſhall any perſon reſiding without the limits of any ſuch city, town or borough be elected a member thereof.

The fourth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section IV. Within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years, an enumeration of the taxable inhabitants ſhall be made, in ſuch manner as ſhall be directed by law. The number of Repreſentatives ſhall, at the ſeveral periods of making ſuch enumeration, be fixed by the Legiſlature, and apportioned among the city of Philadelphia and the ſeveral counties, according to the number of taxable inhabitants in each; and ſhall never be leſs than ſixty nor more than one hundred. Each county ſhall have, at leaſt, one Repreſentative; but no county, hereafter erected, ſhall be entitled to a ſeparate repreſentation, until a ſufficient number of taxable inhabitants ſhall be contained within it, to entitle them to at leaſt one Repreſentative, agreeably to the ratio which ſhall then be eſtabliſhed.

The fifth ſection of the ſaid firſt article being under conſideration,

It was moved by Mr. M'Kean, ſeconded by Mr. Gray,

To poſtpone the conſideration of the ſame, together with the ſixth, ſeventh, eighth and ninth ſections of the ſaid article, until Thurſday next.

On the queſtion—" Will the Convention agree to the poſtponement?"

It was determined in the affirmative.

The tenth ſection of the ſaid firſt article being under conſideration, *viz.*

Section X. The General Aſſembly ſhall meet on the *firſt Tueſday of December* in every year, unleſs ſooner convened by the Governor.

A motion was made by Mr. Gray, ſeconded by Mr. Coleman,

To ſtrike out the words *firſt Tueſday of December*, and to inſert, in lieu thereof, *ſecond Tueſday of November.*

Which was determined in the negative, and the original ſection adopted.

The eleventh ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section

Section XI. Each Houſe ſhall chooſe its Speaker and other officers; and the Senate ſhall alſo chooſe a Speaker *pro tempore*, when the Speaker ſhall exerciſe the office of Governor.

The twelfth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XII. Each Houſe ſhall judge of the qualifications of its own members; but conteſted elections ſhall be determined by a committee, to be ſelected in ſuch manner as ſhall be directed by law. A majority of each Houſe ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed, by law, to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties, as may be provided.

The thirteenth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XIII. Each Houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour; and, with the concurrence of two-thirds, expel a member; but not a ſecond time for the ſame cauſe; and ſhall have all other powers neceſſary for either branch of the Legiſlature of a free ſtate.

The fourteenth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XIV. Each Houſe ſhall keep a journal of its proceedings, and publiſh them weekly, except ſuch parts as may, in their judgment, require ſecrecy: And the Yeas and Nays of the members, on any queſtion, ſhall, at the deſire of any two of them, be entered on the journals.

The fifteenth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XV. The doors of each Houſe, and of the places where they ſhall reſpectively ſit in Committee of the whole, ſhall be open, unleſs when the buſineſs ſhall be ſuch as, in their judgment, ought to be kept ſecret.

The ſixteenth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XVI. Neither Houſe ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that, in which the two Houſes ſhall ſhall be ſitting.

Adjourned until ten o'clock to-morrow, A. M.

Friday,

Friday, Auguſt 13, 1790. A. M.

The Convention met purſuant to adjournment.

The ſeventeenth ſection of the firſt article of the conſtitution publiſhed for the conſideration of the citizens of this commonwealth being under conſideration, the ſame was adopted as follows, *viz.*

Section XVII. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the commonwealth. They ſhall, in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt, during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame: And for any ſpeech or debate in either Houſe they ſhall not be queſtioned in any other place.

The eighteenth ſection of the ſaid firſt article being under conſideration the ſame was adopted as follows, *viz.*

Section XVIII. No Senator or Repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed during ſuch time. And no member of Congreſs, or other perſon, holding any office, except in the militia, under the United States or this commonwealth, ſhall be a member of either Houſe, during his continuance in Congreſs or in office.

The nineteenth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XIX. When vacancies happen in either Houſe, the Speaker of that Houſe ſhall iſſue writs of election to fill ſuch vacancies.

The twentieth ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XX. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments, as in other bills.

The twenty-firſt ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XXI. No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law.

The twenty-ſecond ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XXII. Every bill, which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it become a law, be preſented to the Governor. If he approve, he ſhall ſign it; but if he ſhall not approve it, he ſhall return it, with his objections, to the Houſe in which it ſhall have originated, who ſhall enter the objections at large upon their journals, and proceed to re-conſider it. If, after ſuch re-conſideration, two-thirds of that Houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other Houſe, by which it ſhall likewiſe be re-conſidered: And, if approved by two-thirds of that Houſe, it ſhall become a law. But in all ſuch caſes, the votes of both Houſes ſhall be determined by Yeas and Nays, and the names of the perſons voting for or againſt the bill ſhall be entered on the journals of each Houſe reſpectively. If any bill ſhall not be returned by the Governor within ten days (Sundays excepted) after it ſhall have been preſented to him, it ſhall be a law, in like manner as if he had ſigned it; unleſs the General Aſſembly, by their adjournment, prevent its return, in which caſe it ſhall be a law, unleſs ſent back within three days after their next meeting.

The

The twenty-third ſection of the ſaid firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section XXIII. Every order, reſolution or vote, to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Governor, and, before the ſame ſhall take effect, be approved by him; or, being diſapproved, ſhall be re-paſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in caſe of a bill.

The firſt ſection of the ſecond article being under conſideration, the ſame was adopted as follows, *viz.*

Section I. The Supreme Executive Power of this commonwealth ſhall be veſted in a Governor.

The ſecond ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section II. The Governor ſhall be choſen, on the ſecond Tueſday of October, by the citizens throughout the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives. The returns of every election for Governor ſhall be tranſmitted, under ſeal, to the ſeat of Government, directed to the Speaker of the Senate, who ſhall open and publiſh them in the preſence of the members of both Houſes of the Legiſlature. The perſon having the higheſt number of votes ſhall be Governor. But if two or more ſhall be equal and higheſt in votes, one of them ſhall be choſen Governor by the joint vote of the members of both Houſes. Conteſted elections ſhall be determined by a committee to be ſelected, from both Houſes of the Legiſlature, in ſuch manner as ſhall be directed by law.

The third ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section III. The Governor ſhall hold his office during three years from the third Tueſday of December next enſuing his election; and ſhall not be capable of holding his office longer than nine in any term of twelve years.

The fourth ſection of the ſaid ſecond article being under conſideration, *viz.*

Section IV. He ſhall be, at leaſt, thirty years of age; and have been a citizen and inhabitant of this ſtate ſeven years next before his election; unleſs he ſhall have been abſent on the public buſineſs of the United States, or of this ſtate.

It was moved by Mr. Roberts, ſeconded by Mr. M^cKean,

To amend the ſaid ſection by adding the following words:

And he ſhall be legally ſeized *and poſſeſſed* of a clear real *and perſonal* eſtate within this commonwealth of the value of four thouſand dollars, *ſix* months previous to his election.

A motion was made by Mr. Hare, ſeconded by Mr. Edwards,

To ſtrike out, from the ſaid amendment, the words *and perſonal.*

Which was determined in the affirmative.

It was moved by Mr. Pickering, ſeconded by Mr. Barclay,

To ſtrike out the word *ſix*, and, in lieu thereof, to inſert the word *twelve.*

Which was determined in the negative.

A motion was then made by Mr. Sitgreaves, ſeconded by Mr. M^cKean,

To ſtrike out the words *and poſſeſſed.*

Which was determined in the affirmative.

It was moved by Mr. Wilſon, ſeconded by Mr. Pickering,

To poſtpone the conſideration of the ſaid fourth ſection, together with the amendment as amended.

On

On the queſtion—" Will the Convention agree to the poſtponement?"

It was determined in the affirmative.

The fifth ſection of the ſaid ſecond article being under conſiderarion, the ſame was adopted as follows, *viz.*

Section V. No member of Congreſs, or perſon holding any office under the United States or this ſtate, ſhall be capable of exerciſing the office of Governor.

The ſixth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows, *viz.*

Section VI. The Governor ſhall, at ſtated times, receive, for his ſervices, a compenſation, which ſhall be neither encreaſed nor diminiſhed during the period, for which he ſhall have been elected.

The ſeventh ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section VII. He ſhall be Commander in Chief of the army and navy of this commonwealth, and of the militia, except when they ſhall be called into the actual ſervice of the United States.

The eighth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section VIII. He ſhall appoint all officers, whoſe offices are eſtabliſhed by this Conſtitution, or ſhall be eſtabliſhed by law, and whoſe appointments are not herein otherwiſe provided for; but no perſon ſhall be appointed to an office within any county, who ſhall not have been a citizen and inhabitant therein one year next before his appointment, if the county ſhall have been ſo long erected; but, if that ſhall not be the caſe, then within the limits of the original county or counties, out of which it ſhall have been taken. No member of Congreſs from this ſtate, nor any perſon holding or exerciſing any office of truſt or profit under the United States, ſhall, at the ſame time, hold or exerciſe the office of Judge, Secretary, Treaſurer, Prothonotary, Regiſter of Wills, Recorder of Deeds, Sheriff, or any office in this ſtate, to which a ſalary is by law annexed; or any other office, which future Legiſlatures ſhall declare incompatible with offices or appointments under the United States.

The ninth ſection of the ſaid ſecond article being under conſideration, *viz.*

Section IX. All commiſſions ſhall be in the name *and by the authority* of the commonwealth of Pennſylvania, and be ſealed with the ſtate ſeal, and ſigned by the Governor.

A motion was made by Mr. M'Kean, ſeconded by Mr. Addiſon,

To ſtrike out the words *and by the authority.*

Which was determined in the negative, and the original ſection adopted.

The tenth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section X. He ſhall have power to remit fines and forfeitures, and grant reprieves and pardons, except in caſes of impeachment.

The eleventh ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section XI. He may require information, in writing, from the officers in the Executive Department, upon any ſubject relating to the duties of their reſpective offices.

The twelfth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section XII. He ſhall, from time to time, give to the General Aſſembly information of the ſtate of the commonwealth, and recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary or expedient.

The

The thirteenth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section XIII. He may, on extraordinary occaſions, convene the General Aſſembly, and, in caſe of diſagreement between the two Houſes with reſpect to the time of adjournment, adjourn them to ſuch time as he ſhall think proper, not exceeding four months.

The fourteenth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section XIV. He ſhall take care that the laws be faithfully executed.

The fifteenth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section XV. In caſe of the death or reſignation of the Governor, or of his removal from office, the Speaker of the Senate ſhall exerciſe the office of Governor, until another Governor, who ſhall, in ſuch caſe, be choſen at the next annual election, ſhall be duly qualified and commence the exerciſe of his office. And if the trial of a conteſted election ſhall continue longer than until the third Tueſday in December next enſuing the election of a Governor; the Governor of the laſt year, or the Speaker of the Senate, who may be in the exerciſe of the executive authority, ſhall continue therein, until the determination of ſuch conteſted election, and until a Governor ſhall be qualified as aforeſaid.

The ſixteenth ſection of the ſaid ſecond article being under conſideration, the ſame was adopted as follows:

Section XVI. The State Treaſurer ſhall be appointed annually by the joint vote of the members of both Houſes. All other Officers in the Treaſury Department, Election Officers, Officers relating to taxes, to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as is, or ſhall be, directed by law.

The ſeventeenth ſection of the ſaid ſecond article being under conſideration,

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Jenks,

To poſtpone the conſideration of the ſaid ſection.

Which was determined in the negative,

And after ſome debate

It was, on motion of Mr. Wilſon and Mr. Coleman,

Ordered, That the debates on the ſaid ſection be poſtponed.

The firſt ſection of the third article being under conſideration, the ſame was adopted as follows, *viz.*

Section I. In elections by the citizens, every freeman of the age of twenty-one years, having reſided in the ſtate two years next before the days of the elections reſpectively, and, within that time, paid a ſtate or county tax, which ſhall have been aſſeſſed upon him at leaſt ſix months before the election, ſhall enjoy the rights of an elector: Provided that the ſons of perſons qualified as aforeſaid, between the age of twenty-one and twenty-two years, ſhall be entitled to vote, although they ſhall not have paid taxes.

The ſecond ſection of the ſaid third article being under conſideration, *viz.*

Section II. All elections ſhall be by ballot, except thoſe by perſons in their repreſentative or public capacities, who ſhall vote *viva voce*, unleſs in the choice of *committees and* their own officers.

Mr. Addiſon called for a diviſion of the queſtion on the ſaid ſection to the word *viva voce* incluſive.

And on the queſtion—" Will the Convention agree to the firſt part of the ſaid ſection?"

It

It was determined in the affirmative.

The ſecond part of the ſaid ſection recurring,

A motion was made by Mr. M'Kean, ſeconded by Mr. James Roſs,

To ſtrike out the words *Committees and.*

Which was determined in the affirmative.

And on the queſtion—" Will the Convention agree to the ſecond part of the ſaid ſection as amended?"

It was determined in the negative.

The third ſection of the ſaid third article being under conſideration, the ſame was adopted as follows, *viz.*

Section III. Electors ſhall, in all caſes, except treaſon, felony and breach of the peace, be privileged from arreſt during their attendance on elections, and in going to and returning from them.

The firſt ſection of the fourth article being under conſideration, the ſame was adopted as follows, *viz.*

Section I. The Houſe of Repreſentatives ſhall have the ſole power of impeaching.

The ſecond ſection of the ſaid fourth article being under conſideration, *viz.*

Section II. All impeachments ſhall be tried by the Senate: When ſitting for that purpoſe, the Senators ſhall be on oath or *affirmation.* No perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. M'Kean,

To inſert, after the word *affirmation*, the words *taking to their aſſiſtance, for advice only, the Judges of the Supreme Court.*

It was then, on motion of Mr. M'Kean, ſeconded by Mr. Findley,

Ordered, That the further conſideration of the ſaid ſection, together with the propoſed amendment, be poſtponed.

The third ſection of the ſaid fourth article being under conſideration, *viz.*

Section III. The Governor and all other civil officers, under this commonwealth, ſhall be liable to impeachment for any miſdemeanor in office. But judgment, in ſuch caſes, ſhall not extend further than to removal from office and diſqualification to hold any office of honor, truſt or profit under this commonwealth; the party *convicted* ſhall, nevertheleſs, be liable to indictment, trial, judgment and puniſhment according to law.

A motion was made by Mr. Wilſon, ſeconded by Mr. Addiſon,

To amend the ſaid ſection by inſerting, before the word *convicted*, the word *whether*, and, after the word *convicted*, the words *or acquited.*

Which was carried in the affirmative, and the ſection, as amended, adopted.

Adjourned until ten o'clock to-morrow, A. M.

Saturday, Auguſt 14, 1790. A. M.

The Convention met purſuant to adjournment.

A letter from Zachariah Poulſon, junior, Printer of the minutes in the Engliſh language to this Convention, was read, requeſting an additional ſum of money.

Whereupon,

Reſolved, That the Preſident be authoriſed and requeſted to draw an order in favor of Zachariah Poulſon, junior, for the ſum of two hundred pounds, on account.

A motion was made by Mr. M'Kean, ſeconded by Mr. Newlin,

To re-conſider the third ſection of the fourth article, adopted yeſterday, in order to add the following amendment thereto, *viz.*

No impeachment ſhall be ſuſtained againſt any perſon unleſs commenced within years after the offence ſhall have been committed.

On motion of Mr. Sitgreaves, ſeconded by Mr. M'Kean,

Ordered, That the further conſideration of the ſaid motion be poſtponed.

The firſt ſection of the fifth article of the conſtitution publiſhed for the conſideration of the citizens of this commonwealth being under conſideration, the ſame was adopted as follows, *viz.*

Section I. The Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, in Courts of Oyer and Terminer and General Gaol Delivery, in a Court of Common Pleas, Orphans' Court, Regiſter's Court, and a Court of Quarter Seſſions of the Peace for each county, in Juſtices of the Peace, and in ſuch other Courts as the Legiſlature may, from time to time, eſtabliſh.

The ſecond ſection of the ſaid fifth article being under conſideration, *viz.*

Section II. The Judges of the Supreme Court and of the ſeveral Courts of Common Pleas ſhall hold their offices during good behaviour: But, for any reaſonable cauſe, which ſhall not be ſufficient ground of impeachment, the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive, for their ſervices, an adequate compenſation, to be fixed by law; which ſhall not be diminiſhed during their continuance in office; but they ſhall *receive no fees or perquiſites of office*, *nor* hold any other office of profit under this commonwealth.

A motion was made by Mr. James Roſs, ſeconded by Mr. Redick,

To ſtrike out the words *receive no fees or perquiſites of office*, *nor*, and, in lieu thereof, to inſert the word *not*, in order that the ſection may read:

The Judges of the Supreme Court and of the ſeveral Courts of Common Pleas ſhall hold their offices during good behaviour: But, for any reaſonable cauſe, which ſhall not be ſufficient ground of impeachment, the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive, for their ſervices, an adequate compenſation, to be fixed by law; but they ſhall not hold any other office of profit under this commonwealth.

Adjourned until three o'clock on Monday next, P. M.

Monday, Auguſt 16, 1790. P. M.

The Convention met purſuant to adjournment.

The ſecond ſection of the fifth article, with the amendment propoſed on Saturday laſt by Mr. James Roſs, ſeconded by Mr. Redick, recurring—

Mr. Redick withdrew his ſeconding the motion,

And thereupon the original ſection was adopted as follows:

Section II. The Judges of the Supreme Court and of the ſeveral Courts of Common Pleas ſhall hold their offices during good behaviour: But, for any reaſonable cauſe, which ſhall not be ſufficient ground of impeachment, the Governor may remove any of them on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall,

ſhall, at ſtated times, receive, for their ſervices, an adequate compenſation, to be fixed by law; which ſhall not be diminiſhed during their continuance in office; but they ſhall receive no fees or perquiſites of office, nor hold any other office of profit under this commonwealth.

The third ſection of the fifth article being under conſideration, the ſame was adopted as follows, *viz.*

Section III. The juriſdiction of the Supreme Court ſhall extend over the ſtate, and the Judges thereof ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery in the ſeveral counties.

The fourth ſection of the fifth article being under conſideration, the ſame was adopted as follows, *viz.*

Section IV. Until it ſhall be otherwiſe directed by law, the ſeveral Courts of Common Pleas ſhall be eſtabliſhed in the following manner: The Governor ſhall appoint, in each county, not fewer than three nor more than four Judges, who, during their continuance in office, ſhall reſide in ſuch county: The ſtate ſhall be, by law, divided into circuits, none of which ſhall include more than ſix nor fewer than three counties: A Preſident ſhall be appointed of the courts in each circuit, who, during his continuance in office, ſhall reſide therein: The Preſident and Judges aforeſaid, any two of whom ſhall be a quorum, ſhall compoſe the reſpective Courts of Common Pleas.

The fifth ſection of the fifth article being under conſideration, the ſame was adopted as follows, *viz.*

Section V. The Judges of the Court of Common Pleas in each county ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery for the trial of capital and other offenders therein; and any two of them, the Preſident being one, ſhall be a quorum; but they ſhall not hold a Court of Oyer and Terminer or Gaol Delivery in any county when the Judges of the Supreme Court, or any of them, ſhall be ſitting in the ſame county. The party accuſed, as well as the commonwealth, may, under ſuch regulations as ſhall be preſcribed by law, remove the indictment and proceedings, or a tranſcript thereof, into the Supreme Court.

The ſixth ſection of the fifth article being under conſideration, *viz.*

Section VI. The Supreme Court and the ſeveral Courts of Common Pleas ſhall, *beſide the powers heretofore uſually exerciſed by them*, have the power of a Court of Chancery, ſo far as relates to the perpetuating of teſtimony, the obtaining of evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe, who are *non compotes mentis:* And the Legiſlature ſhall, as ſoon as conveniently may be, veſt, in the ſaid courts, ſuch other powers to grant relief in equity as ſhall be found neceſſary: And may, from time to time, enlarge or diminiſh thoſe powers, or veſt them in ſuch other courts as they ſhall judge proper for the due adminiſtration of juſtice.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Gallatin,

To ſtrike out the words *beſide the powers heretofore uſually exerciſed by them.*

On the queſtion—" Will the Convention agree to ſtrike out the ſaid words?"

It was determined in the negative, and the original ſection adopted.

The ſeventh ſection of the fifth article being under conſideration, the ſame was adopted as follows, *viz.*

Section VII. The Judges of the Court of Common Pleas in each county, any two of whom ſhall be a quorum, ſhall compoſe the Court of Quarter Seſſions of the Peace, and Orphans' Court therein: And the Regiſter of Wills, together with the ſaid Judges, or any two of them, ſhall compoſe the Regiſter's Court in the reſpective counties.

The eighth ſection of the fifth article being under conſideration, the ſame was adopted as follows:

Section

Section VIII. The Judges of the Courts of Common Pleas ſhall, within their reſpective counties, have the like powers with the Judges of the Supreme Court to iſſue writs of Certiorari to the Juſtices of the Peace, and to cauſe their proceedings to be brought before them and the like right and juſtice to be done.

The ninth ſection of the fifth article being under conſideration, *viz.*

Section IX. The Preſident of the Courts in each circuit *ſhall*, within ſuch circuit, and the Judges of the Court of Common Pleas ſhall, within their reſpective counties, be Juſtices of the Peace, ſo far as relates to criminal matters.

A motion was made by Mr. Pickering, ſeconded by Mr. M'Kean,

To amend the ſaid ſection to read as follows:

The Preſident of the Courts in each circuit, within ſuch circuit, and the Judges of the Courts of Common Pleas, within their reſpective counties, ſhall be Juſtices of the Peace, ſo far as relates to criminal matters.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the negative,

And thereupon the original ſection adopted.

The tenth ſection of the ſaid fifth article being under conſideration,

A motion was made by Mr. Addiſon, ſeconded by Mr. Henderſon,

To amend the ſaid ſection to read as follows:

Section X. The Governor ſhall appoint a competent number of Juſtices of the Peace, in ſuch convenient diſtricts in each county as are, or ſhall be, directed by law: They ſhall be commiſſioned during good behaviour; but may be removed on conviction of miſbehaviour in office, or of any infamous crime, or on the addreſs of both Houſes of the Legiſlature.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the affirmative,

And the ſaid ſection, as amended, adopted.

The eleventh ſection of the fifth article being under conſideration, the ſame was adopted as follows:

Section XI. A Regiſter's office for the probate of wills and granting letters of adminiſtration, and an office for the recording of deeds ſhall be kept in each county.

The twelfth ſection of the fifth article being under conſideration, the ſame was adopted as follows:

Section XII. The ſtile of all proceſs ſhall be *The Commonwealth of Pennſylvania;* all proſecutions ſhall be carried on in the name and by the authority of the commonwealth of Pennſylvania, and conclude *Againſt the peace and dignity of the ſame.*

A motion was made by Mr. James Roſs, ſeconded by Mr. Smith,

To re-conſider the ſecond ſection of the fifth article in order to ſtrike out the word *and*, before the words *the Preſidents*, and to inſert, after the word *Preſidents*, the words *and Judges.*

It was moved by Mr. Addiſon, ſeconded by Mr. Smilie,

To poſtpone the conſideration of the ſaid motion,

Whereupon,

On motion,

Adjourned until ten o'clock to-morrow, A. M.

Tueſday,

Tueſday, Auguſt 17, 1790. A. M.

The Convention met purſuant to adjournment.

The motion made yeſterday by Mr. James Roſs, ſeconded by Mr. Smith, to re-conſider the ſecond ſection of the fifth article in order to amend the ſame, recurring,

On the queſtion—" Will the Convention agree to re-conſider the ſaid ſection for the purpoſe contained in the ſaid motion?"

It was determined in the negative.

The firſt ſection of the ſixth article being under conſideration, the ſame was adopted as follows:

Section I. Sheriffs and Coroners ſhall, at the places of election of Repreſentatives, be choſen by the citizens of each county reſpectively. Two perſons ſhall be choſen for each office, one of whom for each ſhall be commiſſioned by the Governor. They ſhall hold their offices for three years, and until a ſucceſſor be duly qualified; but no perſon ſhall be twice choſen or appointed Sheriff in any term of ſix years.

The ſecond ſection of the ſixth article being under conſideration, *viz.*

Section II. The freemen of this commonwealth *ſhall* be armed and diſciplined for its defence: The militia officers ſhall be appointed in ſuch manner, and for ſuch time, as ſhall be directed by law.

A motion was made by Mr. Roberts, ſeconded by Mr. Shoemaker,

To ſtrike out, after the word commonwealth, the word *ſhall*, and, in lieu thereof, to inſert the word *may*.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the negative, and the original ſection adopted.

The third ſection of the ſixth article being under conſideration, *viz.*

Section III. Prothonotaries, Clerks of the Peace and Orphans' Courts, Recorders of Deeds, *Regiſters of Wills*, and Sheriffs, ſhall keep their offices in the county town of the county in which they, reſpectively, ſhall be *officers;* unleſs when the Governor ſhall, for ſpecial reaſons, diſpenſe therewith for any term not exceeding five years after the county ſhall have been erected.

A motion was made by Mr. Redick, ſeconded by Mr. Mawhorter,

To inſert, after the words *Regiſter of Wills*, the words *County Treaſurers*.

Which was determined in the negative.

It was then moved by Mr. M'Kean, ſeconded by Mr. Henderſon,

To inſert, after the word *officers*, the words *or within one mile thereof.*

On the queſtion—" Will the Convention agree to the ſaid amendment?"

It was determined in the negative, and the original ſection adopted.

A motion was made by Mr. Addiſon,

To re-conſider the firſt ſection of the ſixth article, as adopted, in order to annex the following amendment thereto, *viz.*

In caſe of a vacancy in the office of Sheriff or Coroner by death, reſignation, removal or otherwiſe, the Governor ſhall appoint one until a Sheriff or Coroner, who ſhall be choſen at the next general election, ſhall enter on the exerciſe of his office.

On the queſtion—" Will the Convention agree to re-conſider the ſaid ſection for the aforeſaid purpoſe?"

It was determined in the negative.

The

The firſt ſection of the ſeventh article being under conſideration, the ſame was adopted as follows, *viz.*

Section I. The Legiſlature ſhall, as ſoon as conveniently may be, provide, by law, for the eſtabliſhment of ſchools throughout the ſtate in ſuch manner that the poor may be taught *gratis*.

The ſecond ſection of the ſeventh article being under conſideration, the ſame was adopted as follows, *viz.*

Section II. The arts and ſciences ſhall be promoted in one or more ſeminaries of learning.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Arndt,

To inſert the following as the third ſection of the ſaid ſeventh article, *viz.*

The Legiſlature ſhall, by law, regulate and aſcertain the fees of the courts and public officers throughout the commonwealth; fees ſhall be adequate, but moderate.

On the queſtion—" Will the Convention adopt the ſame as the third ſection of the ſeventh article?"

It was determined in the negative.

The third ſection of the ſeventh article being under conſideration, the ſame was adopted as follows:

Section III. The rights, privileges, immunities and eſtates of religious ſocieties and corporate bodies ſhall remain as if the Conſtitution of this ſtate had not been altered or amended.

The eighth article being under conſideration, the ſame was adopted as follows:

Members of the General Aſſembly and all officers, executive and judicial, ſhall be bound by oath or affirmation to ſupport the Conſtitution of this Commonwealth, and to perform the duties of their reſpective offices with fidelity.

The firſt ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section I. That all men are born equally free and independent, and have certain inherent and indefeaſible rights, among which are thoſe of enjoying and defending life and liberty, of acquiring, poſſeſſing and protecting property and reputation, and of purſuing their own happineſs.

The ſecond ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section II. That all power is originally veſted in the people, and all free governments are founded on their authority, and inſtituted for their peace, ſafety and happineſs: For the advancement of thoſe ends, they have, at all times, an unalienable and indefeaſible right to alter, reform, or aboliſh their government, in ſuch manner as they may think proper.

The third ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section III. That all men have a natural and indefeaſible right to worſhip Almighty God according to the dictates of their own conſciences; that no man can, of right, be compelled to attend, or erect, or ſupport any place of worſhip, or to maintain any miniſtry againſt his conſent; that no human authority can, in any caſe whatever, control or interfere with the rights of conſcience; and that no preference ſhall ever be given, by law, to any religious eſtabliſhments or modes of worſhip.

The fourth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section IV. That no perſon, who acknowledges the being of a God and a future ſtate of rewards and puniſhments, ſhall, on account of his religious ſentiments, be diſqualified to hold any office or place of truſt or profit under this commonwealth.

The

The fifth ſection of the ninth article being under conſiderarion, the ſame was adopted as follows, *viz.*

Section V. That elections ſhall be free and equal.

The ſixth ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section VI. That trial by jury ſhall be as heretofore, and the right thereof ſhall remain inviolate.

The ſeventh ſection of the ninth article being under conſideration,

It was moved by Mr. Lewis, ſeconded by Mr. Ogden,

To poſtpone the conſideration thereof until Friday next.

On the queſtion—" Will the Convention agree to the poſtponement?"

It was determined in the affirmative.

The eighth ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section VIII. That the people ſhall be ſecure in their perſons, houſes, papers and poſſeſſions from unreaſonable ſearches and ſeizures: And that no warrant to ſearch any place, or to ſeize any perſon or things, ſhall iſſue without deſcribing them as nearly as may be, nor without probable cauſe, ſupported by oath or affirmation.

The ninth ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section IX. That in all criminal proſecutions the accuſed hath a right to be heard by himſelf and his council; to demand the nature and cauſe of the accuſation againſt him; to meet the witneſſes face to face; to have compulſory proceſs for obtaining witneſſes in his favor; and, in proſecutions by indictment, a ſpeedy public trial by an impartial jury of the vicinage; That he cannot be compelled to give evidence againſt himſelf; nor can he be deprived of his life, liberty or property, unleſs by the judgment of his peers, or the law of the land.

The tenth ſection of the ninth article being under conſideration, *viz.*

Section X. That no perſon ſhall, for any indictable offence, be proceeded againſt, criminally, by information; except in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger: Nor ſhall any perſon, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken, or applied to public uſe, without the conſent of his Repreſentatives, and without juſt compenſation being made.

It was moved by Mr. Lewis, ſeconded by Mr. Sitgreaves,

To amend the ſaid ſection to read as follows:

Section X. That no perſon ſhall, for any indictable offence, be proceeded againſt, criminally, by information; except for oppreſſion or miſdemeanor in office, and in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger: Nor ſhall any perſon, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken or applied to public uſe, without the conſent of his Repreſentatives, and without juſt compenſation being made.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the affirmative, and the ſection, as amended, adopted.

The eleventh ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section XI. That all courts ſhall be open, and every man for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial, or delay.

The

The twelfth ſection of the ninth article being under conſideration, *viz.*

Section XII. That no power of ſuſpending laws, *or the execution thereof*, ſhall be exerciſed, unleſs by the Legiſlature, *or its authority*.

A motion was made by Mr. Addiſon, ſeconded by Mr. Smith,

To ſtrike out the words *or the execution thereof*.

Which was determined in the affirmative.

It was then moved by Mr. Smith, ſeconded by Mr. Ogden,

To ſtrike out the words *or its authority*.

Which was determined in the negative,

And the ſaid ſection, as amended, adopted as follows:

Section XII. That no power of ſuſpending laws ſhall be exerciſed, unleſs by the Legiſlature, or its authority.

Adjourned until nine o'clock to-morrow, A. M.

Wedneſday, Auguſt 18, 1790. A. M.

The Convention met purſuant to adjournment.

A motion was made by Mr. Wilſon, ſeconded by Mr. Smith,

To re-conſider the tenth ſection of the ninth article adopted yeſterday,

And, after ſome debate,

It was, on motion of Mr. Wilſon, ſeconded by Mr. M'Lene,

Ordered, That the further conſideration of the ſaid motion be poſtponed until Saturday next.

The thirteenth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XIII. That exceſſive bail ſhall not be required, nor exceſſive fines impoſed, nor cruel puniſhments inflicted.

The fourteenth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XIV. That all priſoners ſhall be bailable by ſufficient ſureties, unleſs for capital offences, when the proof is evident or preſumption great; and the privilege of the writ of Habeas Corpus ſhall not be ſuſpended, unleſs when, in caſes of rebellion or invaſion, the public ſafety may require it.

The fifteenth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XV. That no commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

The ſixteenth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XVI. That the perſon of a debtor, where there is not a ſtrong preſumption of fraud, ſhall not be continued in priſon after delivering up all his eſtate, for the benefit of his creditors, in ſuch manner as ſhall be preſcribed by law.

The ſeventeenth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XVII. That no *expoſt facto* law, nor any law impairing contracts, ſhall be made.

The

The eighteenth ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section XVIII. That no perſon ſhall be attainted of treaſon or felony by the Legiſlature.

The nineteenth ſection of the ninth article being under conſideration, *viz.*

Section XIX. That no attainder ſhall work corruption of blood, nor, except during the life of the offender, forfeiture of eſtate to the commonwealth; that the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall *go* as in caſe of natural death; and if any perſon ſhall be killed by caſualty *or accident* there ſhall be no forfeiture by reaſon thereof.

A motion was made by Mr. Smith, ſeconded by Mr. Lewis,

To ſtrike out the word *go*, and inſert, in lieu thereof, the words *deſcend or veſt.*

Which was determined in the affirmative.

It was moved by Mr. Pickering and Mr. M'Kean,

To ſtrike out the words *or accident.*

Which was determined in the affirmative.

A motion was then made by Mr. Lewis, ſeconded by Mr. Sitgreaves,

To inſert, between the words *forfeiture of* and the word *eſtate*, the word *real.*

And on the queſtion—" Will the Convention agree to the ſaid amendment?"

It was determined in the negative.

It was moved by Mr. Sitgreaves, ſeconded by Mr. Ogden,

To amend the ſaid ſection to read as follows:

That no attainder ſhall work corruption of blood, nor, except in caſes of treaſon, forfeiture of eſtate to the commonwealth, and then only during the life of the offender; that the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall deſcend or veſt as in caſe of natural death; and if any perſon ſhall be killed by caſualty there ſhall be no forfeiture by reaſon thereof.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the negative,

And the ſaid nineteenth ſection, as amended, adopted as follows:

Section XIX. That no attainder ſhall work corruption of blood, nor, except during the life of the offender, forfeiture of eſtate to the commonwealth; that the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall deſcend or veſt as in caſe of natural death; and if any perſon ſhall be killed by caſualty there ſhall be no forfeiture by reaſon thereof.

The twentieth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XX. That the citizens have a right, in a peaceable manner, to aſſemble together for their common good, and to apply to thoſe inveſted with the powers of government, for redreſs of grievances or other proper purpoſes, by petition, addreſs or remonſtrance.

The twenty-firſt ſection of the ninth article being under conſideration, *viz.*

Section XXI. That the right of the citizens to bear arms in defence of themſelves and the ſtate ſhall not be *queſtioned:* But thoſe who conſcientiouſly ſcruple to bear arms, ſhall not be compelled to do ſo, but *ſhall* pay an equivalent for perſonal ſervice.

Mr. M'Kean called for a diviſion of the queſtion on the ſaid ſection, to the word *queſtioned.*

And on the queſtion—" Will the Convention agree to the firſt part of the ſaid ſection?"

It was determined in the affirmative.

The ſecond part of the ſaid ſection being under conſideration, *viz.*

But thoſe who conſcientiouſly ſcruple to bear arms ſhall not be compelled *to do ſo*, but ſhall pay an equivalent for perſonal ſervice.

A motion was made by Mr. Lewis, ſeconded by Mr. Ogden,

To ſtrike out, after the word *but*, the word *ſhall*, and inſert, in lieu thereof, *may be obliged to.*

Which was determined in the negative.

A diviſion of the queſtion on the ſaid ſecond part of the ſection being called for by Mr. Lewis, to the words *to do ſo.*

On the queſtion—"Will the Convention agree to that part of the ſaid ſection?"

It was determined in the affirmative.

And on the queſtion—"Will the Convention agree to the remainder of the ſaid ſection, *viz.* But ſhall pay an equivalent for perſonal ſervice?"—The Yeas and Nays being called by Mr. Roberts, were as follow:

YEAS.		YEAS.	
1	James Wilſon,	28	Paul Groſcop,
2	Hilary Baker,	29	Baltzer Gehr,
3	William Lewis,	30	Thomas Mawhorter,
4	Thomas M'Kean,	31	John Arndt,
5	George Gray,	32	Peter Rhoads,
6	William Robinſon, junior,	33	Joſeph Powell,
7	Robert Hare,	34	John Piper,
8	Enoch Edwards,	35	Charles Smith,
9	John Barclay,	36	Simon Snyder,
10	Thomas Bull,	37	William Findley,
11	James Boyd,	38	William Todd,
12	Edward Hand,	39	Alexander Addiſon,
13	Robert Coleman,	40	John Hoge,
14	Sebaſtian Graff,	41	David Redick,
15	John Hubley,	42	James Roſs,
16	Henry Miller,	43	John Smilie,
17	Henry Slegle,	44	Albert Gallatin,
18	William Reed,	45	James M'Lene,
19	Benjamin Tyſon,	46	George Matthews,
20	Benjamin Pedan,	47	James Morris,
21	Matthew Dill,	48	Lindſay Coates,
22	Robert Whitehill,	49	John Gloninger,
23	William Irvine,	50	William Brown,
24	James Power,	51	Alexander Graydon,
25	Joſeph Heiſter,	52	Timothy Pickering,
26	Chriſtian Lower,	53	Andrew Henderſon,
27	Abraham Lincoln,	54	John Gibſon.

NAYS.		NAYS.	
1	George Roberts,	6	John Breckbill,
2	Samuel Ogden,	7	Samuel Sitgreaves,
3	Thomas Jenks,	8	Jonathan Shoemaker,
4	Abraham Stout,	9	Nathaniel Newlin.
5	Thomas Roſs,		

So it was determined in the affirmative,

And the ſaid twenty-firſt ſection adopted as follows, *viz.*

Section

Section XXI. That the right of the citizens to bear arms in defence of themſelves and the ſtate ſhall not be queſtioned: But thoſe who conſcientiouſly ſcruple to bear arms, ſhall not be compelled to do ſo, but ſhall pay an equivalent for perſonal ſervice.

The twenty-ſecond ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XXII. That no ſtanding army ſhall, in time of peace, be kept up without the conſent of the Legiſlature; and the military ſhall, in all caſes, and, at all times, be kept in ſtrict ſubordination to the civil power.

The twenty-third ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XXIII. That no ſoldier ſhall, in time of peace, be quartered in any houſe without the conſent of the owner, nor, in time of war, but in a manner to be preſcribed by law.

The twenty-fourth ſection of the ninth article being under conſideration, the ſame was adopted as follows, *viz.*

Section XXIV. That the Legiſlature ſhall not grant any title of nobility or hereditary diſtinction, nor create any office, the appointment to which ſhall be for a longer term than during good behaviour.

The twenty-fifth ſection of the ninth article being under conſideration, *viz.*

Section XXV. That emigration from the ſtate ſhall not be prohibited.

A motion was made by Mr. M'Kean, ſeconded by Mr. Lewis,

To amend the ſaid ſection by adding the following words: *unleſs in time of war.*

Which was determined in the negative, and the original ſection adopted.

The twenty-ſixth ſection of the ninth article being under conſideration, the ſame was adopted as follows:

Section XXVI. To guard againſt tranſgreſſions of the high powers which we have delegated, WE DECLARE, That every thing in this article, is excepted out of the general powers of government, and ſhall for ever remain inviolate.

Adjourned until nine o'clock to-morrow, A. M.

Thurſday, Auguſt 19, 1790. A. M.

The Convention met purſuant to adjournment.

Agreeably to the order of the twelfth inſtant, the fifth ſection of the firſt article recurred, *viz.*

Section V. The Senators ſhall be choſen for four years, by the citizens of Philadelphia and of each county reſpectively, at the ſame time, in the ſame manner, and at the ſame places, where they ſhall vote for Repreſentatives.

A motion was made by Mr. Hare, ſeconded by Mr. Shoemaker,

To amend the ſaid ſection by adding the following words, *viz.*

All the citizens of this commonwealth ſhall be entitled to vote in the election of each Senator.

Ordered to lie on the table.

A motion was then made by Mr. M'Kean, ſeconded by Mr. Lewis,

To ſubſtitute the following in lieu of the fifth ſection, *viz.*

The citizens of the city of Philadelphia and of the ſeveral counties of this ſtate qualified to elect Repreſentives, when aſſembled for that purpoſe, ſhall, if occaſion require,

require, at the same time, at the same places, and in the same manner, for every Representative, elect two persons resident within their said city or county respectively, as electors of the Senator or Senators of their district.

On the question—" Will the Convention agree to the said substitute?"—The Yeas and Nays being called by Mr. Wilson, were as follow, *viz.*

YEAS.

1 George Roberts,
2 William Lewis,
3 Thomas M'Kean,
4 George Gray,
5 Robert Hare,
6 Thomas Bull,
7 Edward Hand,
8 Robert Coleman,
9 Henry Miller,
10 Henry Slegle,
11 Charles Smith,
12 James Ross,
13 Timothy Pickering.

NAYS.

1 James Wilson,
2 Hilary Baker,
3 William Robinson, junior,
4 Samuel Ogden,
5 Thomas Jenks,
6 John Barclay,
7 Abraham Stout,
8 William Gibbons,
9 Thomas Ross,
10 James Boyd,
11 Sebastian Graff,
12 John Hubley,
13 John Breckbill,
14 William Reed,
15 Benjamin Tyson,
16 Benjamin Pedan,
17 Matthew Dill,
18 Robert Whitehill,
19 William Irvine,
20 James Power,
21 Joseph Heister,
22 Christian Lower,
23 Abraham Lincoln,
24 Paul Groscop,
25 Baltzer Gehr,
26 Samuel Sitgreaves,
27 Thomas Mawhorter,
28 John Arndt,
29 Peter Rhoads,
30 Joseph Powell,
31 John Piper,
32 Simon Snyder,
33 William Findley,
34 William Todd,
35 Alexander Addison,
36 John Hoge,
37 David Redick,
38 John Smilie,
39 Albert Gallatin,
40 James M'Lene,
41 George Matthews,
42 James Morris,
43 Lindsay Coates,
44 Jonathan Shoemaker,
45 John Gloninger,
46 William Brown,
47 Alexander Graydon,
48 Andrew Henderson,
49 John Gibson,
50 John Sellers,
51 Nathaniel Newlin.

So it was determined in the negative,

And the original section, with the amendment moved by Mr. Hare and Mr. Shoemaker, recurring,

It was, on motion of Mr. Wilson and Mr. Graydon,

Ordered, That the further consideration thereof be postponed until to-morrow.

The sixth section of the first article, postponed the twelfth instant, being under consideration, *viz.*

Section VI. The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts, formed as herein after directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth nor more than one-third of the number of Representatives.

A motion

A motion was made by Mr. M'Kean, ſeconded by Mr. Lewis,

To amend the ſaid ſection to read as follows:

The number of Senators ſhall, at the ſeveral periods of making the enumeration before mentioned, be fixed by the Legiſlature, and apportioned among the diſtricts, formed as herein after directed, in a ratio compounded of the number of taxable inhabitants in, and the quota of ſtate taxes aſſeſſed upon, each diſtrict, eſtimating the total amount of the ſtate taxation and the whole number of taxable inhabitants as equal to each other; and ſhall never be leſs than one-fourth nor more than one-third of the number of Repreſentatives.

On the queſtion—" Will the Convention agree to the amendment?"—The Yeas and Nays being called by Mr. M'Kean, were as follow:

YEAS.	YEAS.
1 Hilary Baker,	9 Sebaſtian Graff,
2 William Lewis,	10 John Hubley,
3 Thomas M'Kean,	11 James Morris,
4 William Robinſon, junior,	12 Jonathan Shoemaker,
5 Samuel Ogden,	13 Timothy Pickering,
6 Thomas Jenks,	14 John Sellers,
7 Abraham Stout,	15 Nathaniel Newlin.
8 Thomas Bull,	

NAYS.	NAYS.
1 James Wilſon,	24 John Arndt,
2 William Gibbons,	25 Peter Rhoads,
3 Thomas Roſs,	26 Joſeph Powell,
4 James Boyd,	27 John Piper,
5 Edward Hand,	28 Charles Smith,
6 Robert Coleman,	29 Simon Snyder,
7 John Breckbill,	30 William Findley,
8 Henry Miller,	31 William Todd,
9 Henry Slegle,	32 Alexander Addiſon,
10 William Reed,	33 John Hoge,
11 Benjamin Tyſon,	34 David Redick,
12 Benjamin Pedan,	35 James Roſs,
13 Matthew Dill,	36 John Smilie,
14 Robert Whitehill,	37 Albert Gallatin,
15 William Irvine,	38 James M'Lene,
16 James Power,	39 George Matthews,
17 Joſeph Heiſter,	40 Lindſay Coates,
18 Chriſtian Lower,	41 John Gloninger,
19 Abraham Lincoln,	42 William Brown,
20 Paul Groſcop,	43 Alexander Graydon,
21 Baltzer Gehr,	44 Andrew Henderſon,
22 Samuel Sitgreaves,	45 John Gibſon.
23 Thomas Mawhorter,	

So it was determined in the negative.

Adjourned until nine o'clock to-morrow, A. M.

Friday,

Friday, Auguſt 20, 1790. A. M.

The Convention met purſuant to adjournment.

Agreeably to the order of the day the fifth ſection of the firſt article, with the amendment propoſed yeſterday by Mr. Hare and Mr. Shoemaker, being under conſideration,

A motion was made by Mr. Smith, ſeconded by Mr. Edwards,

To poſtpone the conſideration of the fifth as well as the ſixth ſections of the firſt article, in order to take into conſideration the ſeventh ſection.

Mr. Hare withdrew his motion made yeſterday.

On the queſtion—" Will the Convention agree to the poſtponement moved by Mr. Smith and Mr. Edwards?"

It was determined in the affirmative.

The ſeventh ſection of the firſt article being then under conſideration, *viz.*

Section VII. The Senators ſhall be choſen in diſtricts, to be formed by the Legiſlature, each containing, as nearly as may be, ſuch a number of taxable inhabitants as ſhall be entitled to elect one Senator: Where that cannot be done, then ſuch number of adjoining counties ſhall be formed into one diſtrict as ſhall be entitled to elect not more than four Senators; but neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

A motion was made by Mr. Lewis, ſeconded by Mr. Sitgreaves,

To amend the ſaid ſection to read as follows:

The Senators ſhall be choſen in diſtricts, not fewer than three nor more than ſix in number, to be formed of adjoining counties by the Legiſlature, in ſuch manner as that each ſhall contain, as nearly as may be, an equal number of taxables: But neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

And on the queſtion—" Will the Convention agree to the amendment?"—The Yeas and Nays being called by Mr. Smilie, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	16	Sebaſtian Graff,
2	Hilary Baker,	17	John Hubley,
3	George Roberts,	18	Henry Miller,
4	William Lewis,	19	Henry Slegle,
5	Thomas M'Kean,	20	Benjamin Tyſon,
6	George Gray,	21	Samuel Sitgreaves,
7	William Robinſon, junior,	22	Charles Smith,
8	Robert Hare,	23	James Morris,
9	Enoch Edwards,	24	Lindſay Coates,
10	Samuel Ogden,	25	Jonathan Shoemaker,
11	Thomas Jenks,	26	Alexander Graydon,
12	John Barclay,	27	Timothy Pickering,
13	Abraham Stout,	28	Andrew Henderſon,
14	William Gibbons,	29	John Sellers,
15	Thomas Bull,	30	Nathaniel Newlin.

NAYS.		NAYS.	
1	Thomas Roſs,	7	Benjamin Pedan,
2	James Boyd,	8	Matthew Dill,
3	Edward Hand,	9	Robert Whitehill,
4	Robert Coleman,	10	William Irvine,
5	John Breckbill,	11	James Power,
6	William Reed,	12	Joſeph Heiſter,

NAYS.

NAYS.

13 Chriſtian Lower,
14 Abraham Lincoln,
15 Paul Groſcop,
16 Baltzer Gehr,
17 Thomas Mawhorter,
18 John Arndt,
19 Peter Rhoads,
20 Joſeph Powell,
21 John Piper,
22 Simon Snyder,
23 William Findley,
24 William Todd,

NAYS.

25 Alexander Addiſon,
26 John Hoge,
27 David Redick,
28 James Roſs,
29 John Smilie,
30 Albert Gallatin,
31 James M'Lene,
32 George Matthews,
33 John Gloninger,
34 William Brown,
35 John Gibſon.

So it was determined in the negative.

It was then moved by Mr. Gallatin, ſeconded by Mr. Hoge,

To amend the ſaid ſection to read as follows:

The Senators ſhall be choſen in diſtricts, to be formed of adjoining counties by the Legiſlature, each containing ſuch a number of taxable inhabitants as ſhall be entitled to elect not more than four Senators: But neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

On the queſtion—" Will the Convention agree to the ſection as amended?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow:

YEAS.

1 James Wilſon,
2 Hilary Baker,
3 George Roberts,
4 William Lewis,
5 Thomas M'Kean,
6 George Gray,
7 William Robinſon, junior,
8 Robert Hare,
9 Samuel Ogden,
10 Thomas Jenks,
11 John Barclay,
12 Abraham Stout,
13 Thomas Bull,
14 James Boyd,
15 Edward Hand,
16 Robert Coleman,
17 Sebaſtian Graff,
18 John Hubley,
19 John Breckbill,
20 Henry Miller,
21 Henry Slegle,
22 William Reed,
23 Benjamin Tyſon,

YEAS.

24 Benjamin Pedan,
25 William Irvine,
26 Samuel Sitgreaves,
27 Thomas Mawhorter,
28 John Arndt,
29 Joſeph Powell,
30 Charles Smith,
31 Simon Snyder,
32 Alexander Addiſon,
33 John Hoge,
34 David Redick,
35 John Smilie,
36 Albert Gallatin,
37 James Morris,
38 Lindſay Coates,
39 Jonathan Shoemaker,
40 William Brown,
41 Alexander Graydon,
42 Timothy Pickering,
43 Andrew Henderſon,
44 John Gibſon,
45 John Sellers,
46 Nathaniel Newlin.

NAYS.

1 William Gibbons,
2 Thomas Roſs,
3 Matthew Dill,
4 Robert Whitehill,
5 James Power,
6 Joſeph Heiſter,
7 Chriſtian Lowe,
8 Abraham Lincoln,
9 Paul Groſcop,

NAYS.

10 Baltzer Gehr,
11 Peter Rhoads,
12 William Findley,
13 William Todd,
14 James Roſs,
15 James M'Lene,
16 George Matthews,
17 John Gloninger.

So

So it was determined in the affirmative, and the ſection, as amended, adopted.

The fifth ſection of the firſt article recurring, *viz.*

Section V. The Senators ſhall be choſen for *four* years by the citizens of Philadelphia and of each county reſpectively, at the ſame time, in the ſame manner and at the ſame places where they ſhall vote for Repreſentatives.

A motion was made by Mr. Lewis, ſeconded by Mr. M'Kean,

To ſtrike out the word *four*, and inſert, in lieu thereof, the word *ſix*.

On the queſtion—" Will the Convention agree to the ſame?"—The Yeas and Nays being called by Mr. Lewis, were as follow:

YEAS.	YEAS.
1 Hilary Baker,	6 William Gibbons,
2 William Lewis,	7 Thomas Roſs,
3 Thomas M'Kean,	8 Sebaſtian Graff,
4 George Gray,	9 Nathaniel Newlin.
5 Robert Hare,	

NAYS.	NAYS.
1 James Wilſon,	29 Samuel Sitgreaves,
2 George Roberts,	30 Thomas Mawhorter,
3 William Robinſon, junior,	31 John Arndt,
4 Enoch Edwards,	32 Peter Rhoads,
5 Samuel Ogden,	33 Joſeph Powell,
6 Thomas Jenks,	34 John Piper,
7 John Barclay,	35 Charles Smith,
8 Abraham Stout,	36 Simon Snyder,
9 Thomas Bull,	37 William Findley,
10 James Boyd,	38 William Todd,
11 Edward Hand,	39 Alexander Addiſon,
12 Robert Coleman,	40 John Hoge,
13 John Hubley,	41 David Redick,
14 John Breckbill,	42 James Roſs,
15 Henry Miller,	43 John Smilie,
16 Henry Slegle,	44 Albert Gallatin,
17 William Reed,	45 James M'Lene,
18 Benjamin Tyſon,	46 George Matthews,
19 Benjamin Pedan,	47 James Morris,
20 Matthew Dill,	48 Lindſay Coates,
21 Robert Whitehill,	49 Jonathan Shoemaker,
22 William Irvine,	50 John Gloninger,
23 James Power,	51 William Brown,
24 Joſeph Heiſter,	52 Alexander Graydon,
25 Chriſtian Lower,	53 Timothy Pickering,
26 Abraham Lincoln,	54 Andrew Henderſon,
27 Paul Groſcop,	55 John Gibſon,
28 Baltzer Gehr,	56 John Sellers.

So it was determined in the negative, and the original ſection adopted.

The ſixth ſection of the firſt article recurring, the ſame was adopted as follows:

Section VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration before mentioned, be fixed by the Legiſlature, and apportioned among the diſtricts, formed as herein after directed, according to the number of taxable inhabitants in each; and ſhall never be leſs than one-fourth nor more than one-third of the number of Repreſentatives.

The eighth ſection of the firſt article being under conſideration, *viz.*

Section

Section VIII. No perſon ſhall be a Senator, who ſhall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the ſtate four years next before his election, and the laſt year thereof an inhabitant of the diſtrict, for which he ſhall be choſen.

A motion was made by Mr. James Roſs, ſeconded by Mr. Thomas Roſs,

To add the following words to the ſaid ſection:

Unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.

Which was determined in the affirmative.

It was moved by Mr. M'Kean, ſeconded by Mr. Sellers,

To add the following words to the ſaid ſection, *viz.*

Nor unleſs he ſhall be ſeized, in fee ſimple, at the time of his election, of five hundred acres of land within this commonwealth, or poſſeſſed of real and perſonal eſtate to the value of five hundred pounds.

On the queſtion—"Will the Convention agree to the ſame?"—The Yeas and Nays being called by Mr. M'Kean, were as follow:

YEAS.	YEAS.
1 Hilary Baker,	6 Henry Slegle,
2 George Roberts,	7 James Morris,
3 William Lewis,	8 John Sellers,
4 Thomas M'Kean,	9 Nathaniel Newlin.
5 Thomas Jenks,	

NAYS.	NAYS.
1 James Wilſon,	27 Baltzer Gehr,
2 George Gray,	28 Samuel Sitgreaves,
3 William Robinſon, junior,	29 Thomas Mawhorter,
4 Enoch Edwards,	30 John Arndt,
5 John Barclay,	31 Peter Rhoads,
6 Abraham Stout,	32 Joſeph Powell,
7 William Gibbons,	33 John Piper,
8 Thomas Bull,	34 Charles Smith,
9 Thomas Roſs,	35 Simon Snyder,
10 James Boyd,	36 William Findley,
11 Edward Hand,	37 William Todd,
12 Robert Coleman,	38 Alexander Addiſon,
13 Sebaſtian Graff,	39 John Hoge,
14 John Hubley,	40 David Redick,
15 John Breckbill,	41 James Roſs,
16 Henry Miller,	42 John Smilie,
17 William Reed,	43 Albert Gallatin,
18 Benjamin Tyſon,	44 James M'Lene,
19 Benjamin Pedan,	45 George Matthews,
20 Matthew Dill,	46 Lindſay Coates,
21 Joſeph Heiſter,	47 Jonathan Shoemaker,
22 Robert Whitehill,	48 William Brown,
23 William Irvine,	49 Alexander Graydon,
24 James Power,	50 Timothy Pickering,
25 Abraham Lincoln,	51 Andrew Henderſon,
26 Paul Groſcop,	52 John Gibſon.

So it was determined in the negative.

A motion was made by Mr. Pickering, ſeconded by Mr. M'Kean,

To add the following words to the ſaid ſection, *viz.*

Nor unleſs he is ſeized of a clear real eſtate of the value of five hundred pounds.

Which was determined in the negative,

And the ſaid eighth ſection, as amended, adopted as follows:

Section VIII. No perſon ſhall be a Senator, who ſhall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the ſtate four years next before his election, and the laſt year thereof an inhabitant of the diſtrict, for which he ſhall be choſen, unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.

Mr. M'Kean withdrew his ſeconding the motion of Mr. Roberts, made the thirteenth inſtant, to amend the fourth ſection of the ſecond article.

The ninth ſection of the firſt article being under conſideration, the ſame was adopted as follows, *viz.*

Section IX. Immediately after the Senators ſhall be aſſembled in conſequence of the firſt election, ſubſequent to the firſt enumeration, they ſhall be divided, by lot, as equally as may be, into four claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the firſt year; of the ſecond claſs, at the expiration of the ſecond year; of the third claſs, at the expiration of the third year; and of the fourth claſs, at the expiration of the fourth year: So that one-fourth may be choſen every year.

A motion was made by Mr. James Roſs, ſeconded by Mr. Thomas Roſs,

To re-conſider the third ſection of the firſt article, *viz.*

Section III. No perſon ſhall be a Repreſentative, who ſhall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the ſtate three years next preceeding his election, and the laſt year thereof an inhabitant of the city or county, *in which he ſhall be choſen;* and no perſon reſiding within any city, town or borough, which ſhall be entitled to a ſeparate repreſentation, ſhall be elected a member for any county; nor ſhall any perſon reſiding without the limits of any ſuch city, town or borough be elected a member thereof.

In order to inſert, after the words *in which he ſhall be choſen*, the words *unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.*

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the affirmative, and the ſection, as amended, adopted.

Adjourned until nine o'clock to-morrow, A. M.

Saturday, Auguſt 21, 1790. A. M.

The Convention met purſuant to adjournment.

A memorial from the religious ſociety of people called Quakers was preſented to the chair, and read as follows:

To the CONVENTION now ſitting in Philadelphia.

The Memorial of the People called Quakers.

Reſpectfully ſheweth,

THAT ever ſince the eſtabliſhment of our religious ſociety we have profeſſed and declared to the world our faith in a divine principle which breathes peace on earth and good will to men, and have been thereby, conſtrained to bear teſtimony againſt wars and bloodſhed; for which, our conſcientious perſuaſion, we have ſuffered both by impriſonment and great ſpoiling of goods.

That

That our anceſtors, who had deeply ſuffered in their native land and well knew the ineſtimable value of liberty of conſcience, encountered the dangers and difficulties of ſettling and improving, at their own expence, this then a wilderneſs country, in hopes of enjoying, without moleſtation, thoſe immunities and privileges which they believed to be divinely authorized; and, as a ſecurity therefor, our then worthy Proprietor, William Penn, in his Charter of Privileges, declares and grants as follows:

" Becauſe no people can be truly happy, though under the greateſt enjoyment of " civil liberties, if abridged of the freedom of their conſciences as to their religious " profeſſion and worſhip, and Almighty God being the only Lord of conſcience, Father " of lights and ſpirits, and the Author, as well as Object, of all divine knowledge, " faith and worſhip, who only doth enlighten the minds and perſuade and convince " the underſtandings of people: I do hereby grant and declare, That no perſon or " perſons, inhabiting in this province or territories, who ſhall confeſs and acknow- " ledge one Almighty God, the Creator, Upholder and Ruler of the world, and " profeſs him or themſelves obliged to live peaceably under the civil government, " ſhall be, in any caſe, moleſted or prejudiced in his or their perſon or eſtate becauſe " of his or their conſcientious *perſuaſion* or *practice*, nor be compelled to frequent or " maintain any religious worſhip, place or miniſtry contrary to his or their mind, nor " do or ſuffer any other act or thing contrary to their religious perſuaſion."

With the ſentiments expreſſed in this Charter the third ſection of the ninth article of your propoſed Conſtitution coincides; but, we apprehend, the twenty-firſt ſection of the ſame article materially affects our religious liberties, which propoſes that thoſe who conſcientiouſly ſcruple to bear arms ſhall pay an equivalent for perſonal ſervice; ſuch an equivalent it is well known we cannot, conſiſtent with our principles, voluntarily pay, and therefore become ſubjected either to diſtraint on our eſtates or impriſonment of our perſons, ſo that under ſuch a clauſe we are liable to ſuffer fine or impriſonment on account of our religious perſuaſion.

And as we believe there is a diſpoſition in the Convention to avoid and diſcourage perſecution, we truſt you will ſee the impropriety of retaining ſuch a paragraph in the propoſed conſtitution.

With deſires that Divine Wiſdom may direct you in the very weighty buſineſs on which you are convened,

We are your FRIENDS.

Signed in, and on behalf of, a Meeting repreſenting our religious Society in Pennſylvania, *&c. held in* Philadelphia, *the twentieth day of the Eighth Month*, 1790.

JAMES PEMBERTON, Clerk at this time.

Ordered to lie on the table.

The fourth ſection of the ſecond article being under conſideration, the ſame was adopted as follows, *viz.*

Section IV. He ſhall be, at leaſt, thirty years of age; and have been a citizen and inhabitant of this ſtate ſeven years next before his election; unleſs he ſhall have been abſent on the public buſineſs of the United States, or of this ſtate.

The ſeventeenth ſection of the ſecond article being under conſideration, *viz.*

Section XVII. A Secretary ſhall be appointed and commiſſioned *during the Governor's continuance in office, if he ſhall ſo long behave himſelf well.* He ſhall keep a fair regiſter of all the official acts and proceedings of the Executive Department, and ſhall, when required, lay the ſame and all papers, minutes and vouchers relative thereto, before either branch of the Legiſlature; and ſhall perform ſuch other duties as ſhall be enjoined him by law.

A motion was made by Mr. Wilſon, ſeconded by Mr. Findley,

To

To ſtrike out the words *during the Governor's continuance in office, if he ſhall ſo long behave himſelf well*, and, in lieu thereof, to inſert the words *by the Governor.*

Which was determined in the negative.

On the queſtion—" Will the Convention adopt the original ſection?"—The Yeas and Nays being called by Mr. Ogden, were as follow:

YEAS.		YEAS.	
1	Hilary Baker,	23	Baltzer Gehr,
2	George Roberts,	24	Thomas Mawhorter,
3	William Lewis,	25	Joſeph Powell,
4	Thomas M'Kean,	26	John Piper,
5	George Gray,	27	Charles Smith,
6	Enoch Edwards,	28	William Findley,
7	William Gibbons,	29	William Todd,
8	Thomas Roſs,	30	Alexander Addiſon,
9	Edward Hand,	31	David Redick,
10	Robert Coleman,	32	James Roſs,
11	John Hubley,	33	John Smilie,
12	Henry Miller,	34	Albert Gallatin,
13	Henry Slegle,	35	James M'Lene,
14	Benjamin Tyſon,	36	George Matthews,
15	Benjamin Pedan,	37	James Morris,
16	Matthew Dill,	38	Lindſay Coates,
17	Robert Whitehill,	39	Jonathan Shoemaker,
18	William Irvine,	40	William Brown,
19	James Power,	41	Alexander Graydon,
20	Chriſtian Lower,	42	Timothy Pickering,
21	Abraham Lincoln,	43	John Gibſon,
22	Paul Groſcop,	44	Nathaniel Newlin.

NAYS.		NAYS.	
1	James Wilſon,	10	William Reed,
2	William Robinſon, junior,	11	Joſeph Heiſter,
3	Robert Hare,	12	Samuel Sitgreaves,
4	Samuel Ogden,	13	John Arndt,
5	John Barclay,	14	Peter Rhoads,
6	Abraham Stout,	15	Simon Snyder,
7	Thomas Bull,	16	John Hoge,
8	James Boyd,	17	Andrew Henderſon,
9	John Breckbill,	18	John Sellers.

So it was determined in the affirmative.

The Convention reſumed the conſideration of the ſecond ſection of the fourth article, with the amendment propoſed by Mr. Sitgreaves, ſeconded by Mr. M'Kean, the thirteenth inſtant.

On the queſtion—" Will the Convention agree to the propoſed amendment?"—The Yeas and Nays being called by Mr. Lewis, were as follow:

YEAS.		YEAS.	
1	Hilary Baker,	12	Benjamin Tyſon,
2	William Lewis,	13	Samuel Sitgreaves,
3	Thomas M'Kean,	14	John Arndt,
4	William Robinſon, junior,	15	Peter Rhoads,
5	William Gibbons,	16	Joſeph Powell,
6	Thomas Bull,	17	David Redick,
7	Edward Hand,	18	Lindſay Coates,
8	Robert Coleman,	19	Jonathan Shoemaker,
9	John Hubley,	20	William Brown,
10	Henry Miller,	21	Andrew Henderſon.
11	Henry Slegle,		

NAYS.

1 James Wilſon,
2 George Roberts,
3 George Gray,
4 Robert Hare,
5 Enoch Edwards,
6 Samuel Ogden,
7 John Barclay,
8 Abraham Stout,
9 Thomas Roſs,
10 James Boyd,
11 John Breckbill,
12 William Reed,
13 Benjamin Pedan,
14 Matthew Dill,
15 Robert Whitehill,
16 William Irvine,
17 James Power,
18 Joſeph Heiſter,
19 Chriſtian Lower,
20 Abraham Lincoln,
21 Paul Groſcop,

NAYS.

22 Baltzer Gehr,
23 Thomas Mawhorter,
24 John Piper,
25 Charles Smith,
26 Simon Snyder,
27 William Findley,
28 William Todd,
29 Alexander Addiſon,
30 John Hoge,
31 James Roſs,
32 John Smilie,
33 Albert Gallatin,
34 James M'Lene,
35 George Matthews,
36 James Morris,
37 John Gloninger,
38 Alexander Graydon,
39 Timothy Pickering,
40 John Gibſon,
41 John Sellers,
42 Nathaniel Newlin.

So it was determined in the negative, and the original ſection adopted as follows:

Section II. All impeachments ſhall be tried by the Senate: When ſitting for that purpoſe, the Senators ſhall be on oath or affirmation. No perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

The Convention reſumed the conſideration of the motion made by Mr. M'Kean and Mr. Newlin the fourteenth inſtant, to re-conſider the third ſection of the fourth article in order to add the following words thereto, *viz.*

No impeachment ſhall be ſuſtained againſt any perſon unleſs commenced within years after the offence ſhall have been committed.

On the queſtion—" Will the Convention agree to re-conſider the ſaid ſection for the aforeſaid purpoſe?"

It was determined in the negative.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Lewis,

To re-conſider the ſection, *viz.*

Section III. The Governor and all other civil officers, under this commonwealth, ſhall be liable to impeachment for any miſdemeanor in office. But judgment, in ſuch caſes, ſhall not extend further than to removal from office and diſqualification to hold any office of honor, truſt or profit under this commonwealth; *the party, whether convicted or acquited, ſhall, nevertheleſs, be liable to indictment, trial, judgment and puniſhment according to law.*

In order to ſtrike out the words *the party, whether convicted or acquited, ſhall, nevertheleſs, be liable to indictment, trial, judgment and puniſhment according to law.*

On the queſtion—" Will the Convention agree to re-conſider the ſection for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Sitgreaves, were as follow, *viz.*

YEAS.

1 Hilary Baker,
2 Thomas M'Kean,
3 George Gray,
4 Samuel Sitgreaves,
5 David Redick,
6 James Morris,
7 Alexander Graydon.

NAYS.

1 James Wilſon,
2 George Roberts,
3 William Robinſon, junior,
4 Robert Hare,
5 Enoch Edwards,
6 John Barclay,
7 Abraham Stout,
8 William Gibbons,
9 Thomas Bull,
10 Thomas Roſs,
11 James Boyd,
12 Edward Hand,
13 Robert Coleman,
14 Sebaſtian Graff,
15 John Hubley,
16 John Breckbill,
17 Henry Miller,
18 Henry Slegle,
19 William Reed,
20 Benjamin Tyſon,
21 Benjamin Pedan,
22 Matthew Dill,
23 Robert Whitehill,
24 William Irvine,
25 James Power,
26 Joſeph Heiſter,

NAYS.

27 Chriſtian Lower,
28 Abraham Lincoln,
29 Paul Groſcop,
30 Baltzer Gehr,
31 Thomas Mawhorter,
32 John Arndt,
33 Peter Rhoads,
34 Joſeph Powell,
35 John Piper,
36 Charles Smith,
37 Simon Snyder,
38 William Findley,
39 Alexander Addiſon,
40 John Hoge,
41 John Smilie,
42 Albert Gallatin,
43 James M^cLene,
44 George Matthews,
45 Lindſay Coates,
46 William Brown,
47 Timothy Pickering,
48 Andrew Henderſon,
49 John Gibſon,
50 John Sellers,
51 Nathaniel Newlin.

So it was determined in the negative.

On motion,

Ordered, That Mr. Wilſon, Mr. Lewis, Mr. Smith, Mr. Findley and Mr. Addiſon be a committee to reviſe, correct and arrange ſo much of the Conſtitution for the government of this commonwealth as hath been adopted by this Convention.

A motion was made by Mr. Findley, ſeconded by Mr. Gallatin,

To re-conſider the ſeventeenth ſection of the firſt article ſo far as the ſame relates to the privileges of the members of the Senate and of the Houſe of Repreſentatives.

Whereupon,

On motion,

Ordered, That the conſideration of the ſaid motion be poſtponed.

On motion of Mr. Smiley, ſeconded by Mr. Shoemaker,

Ordered, That Monday next be aſſigned for the ſecond reading of the memorial of the religious ſociety called Quakers.

Adjourned until three o'clock on Monday next, P. M.

Monday,

Monday, Auguſt 23, 1790. P. M.

The Convention met purſuant to adjournment.

Agreeably to the order of the day the memorial of the religious ſociety of the people called Quakers was read the ſecond time,

Whereupon, on motion,

Ordered, That the further conſideration thereof be poſtponed.

A motion was made by Mr. Lewis, ſeconded by Mr. M'Kean,

To re-conſider the twenty-firſt ſection of the ninth article, *viz.*

Section XXI. That the right of the citizens to bear arms in defence of themſelves and the ſtate ſhall not be queſtioned: But thoſe who conſcientiouſly ſcruple to bear arms, ſhall not be compelled to do ſo, but ſhall pay an equivalent for perſonal ſervice.

On the queſtion—" Will the Convention agree to re-conſider the ſaid ſection?"—The Yeas and Nays being called by Mr. Redick, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	13	Abraham Stout,
2	Hilary Baker,	14	Thomas Roſs,
3	George Roberts,	15	Sebaſtian Graff,
4	William Lewis,	16	John Breckbill,
5	Thomas M'Kean,	17	Benjamin Tyſon,
6	George Gray,	18	Samuel Sitgreaves,
7	William Robinſon, junior,	19	James Morris,
8	Robert Hare,	20	Alexander Graydon,
9	Enoch Edwards,	21	Timothy Pickering,
10	Samuel Ogden,	22	John Sellers,
11	Thomas Jenks,	23	Nathaniel Newlin.
12	John Barclay,		

NAYS.		NAYS.	
1	Thomas Bull,	21	Joſeph Powell,
2	James Boyd,	22	John Piper,
3	Edward Hand,	23	Charles Smith,
4	Robert Coleman,	24	Simon Snyder,
5	John Hubley,	25	William Findley,
6	Henry Miller,	26	Alexander Addiſon,
7	Henry Slegle,	27	John Hoge,
8	William Reed,	28	David Redick,
9	Benjamin Pedan,	29	James Roſs,
10	Matthew Dill,	30	John Smilie,
11	Robert Whitehill,	31	Albert Gallatin,
12	William Irvine,	32	James M'Lene,
13	James Power,	33	George Matthews,
14	Joſeph Heiſter,	34	Lindſay Coates,
15	Chriſtian Lower,	35	John Gloninger,
16	Abraham Lincoln,	36	William Brown,
17	Paul Groſcop,	37	Andrew Henderſon,
18	Baltzer Gehr,	38	John Gibſon,
19	Thomas Mawhorter,	39	Thomas Beale.
20	Peter Rhoads,		

So it was determined in the negative.

Adjourned until nine o'clock to-morrow, A. M.

Tueſday,

Tuesday, August 24, 1790. A. M.

The Convention met pursuant to adjournment.

The seventh section of the ninth article being under consideration, *viz.*

Section VII. That the printing press shall be free to every person who undertakes to examine the proceedings of the Legislature or any branch of government: And no law shall ever be made restraining the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions *for libels*, their truth or design may be given in evidence on the general issue, and their nature and tendency, whether proper for public information, or only for private ridicule or malice, be determined by the jury, under the direction of the court, as in other cases.

A motion was made by Mr. Lewis, seconded by Mr. M'Kean,

To strike out the remainder of the section after the words *for libels*, and, in lieu thereof, to insert *the jury shall have the same right to determine the law and the fact, under the direction of the court, as in other cases.*

It was moved by Mr. Wilson, seconded by Mr. Gallatin,

To amend the amendment by inserting, before the words *the jury*, the words *their truth or design may be given in evidence on the general issue.*

A motion was then made by Mr. Smith, seconded by Mr. M'Lene,

To postpone the consideration of the said motions in order to amend the said section to read as follows, *viz.*

Section VII. That the printing press shall be free to every person, who undertakes to examine the proceedings of the Legislature, or any branch of government: And no law shall ever be made restraining the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. Upon indictments for the publication of papers investigating the conduct of individuals in their public capacity, or of those applying or canvassing for office, the truth of the facts alledged may be given in evidence on the general issue. And the jury shall have the same right to determine the law and the fact, under the direction of the court, as in other cases.

On the question—" Will the Convention agree to the postponement for the aforesaid purpose?"—The Yeas and Nays being called by Mr. Ogden, were as follow:

YEAS.	YEAS.
1 Hilary Baker,	16 Benjamin Tyson,
2 William Lewis,	17 Samuel Sitgreaves,
3 Thomas M'Kean,	18 John Arndt,
4 George Gray,	19 Peter Rhoads,
5 William Robinson, junior,	20 Charles Smith,
6 Samuel Ogden,	21 David Redick,
7 Thomas Jenks,	22 James Ross,
8 John Barclay,	23 James M'Lene,
9 Abraham Stout,	24 James Morris,
10 Edward Hand,	25 Lindsay Coates,
11 Robert Coleman,	26 William Brown,
12 Sebastian Graff,	27 Timothy Pickering,
13 John Hubley,	28 John Gibson,
14 John Breckbill,	29 John Sellers,
15 Henry Miller,	30 Nathaniel Newlin.

NAYS.

NAYS.

1 James Wilſon,
2 George Roberts,
3 Robert Hare,
4 Enoch Edwards,
5 Thomas Bull,
6 Thomas Roſs,
7 James Boyd,
8 Henry Slegle,
9 William Reed,
10 Benjamin Pedan,
11 Matthew Dill,
12 Robert Whitehill,
13 William Irvine,
14 James Power,
15 Joſeph Heiſter,
16 Chriſtian Lower,
17 Abraham Lincoln,
18 Paul Groſcop,
19 Baltzer Gehr,
20 Thomas Mawhorter,
21 Joſeph Powell,
22 John Piper,
23 Simon Snyder,
24 William Findley,
25 William Todd,
26 Alexander Addiſon,
27 John Hoge,
28 John Smilie,
29 Albert Gallatin,
30 George Matthews,
31 John Gloninger,
32 Alexander Graydon.

So it was determined in the negative.

The motion made by Mr. Wilſon, ſeconded by Mr. Gallatin, then recurring,

On the queſtion—"Will the Convention agree to the ſame?"—The Yeas and Nays being called by Mr. M'Kean, were as follow:

YEAS.

1 James Wilſon,
2 Robert Hare,
3 Enoch Edwards,
4 James Boyd,
5 William Reed,
6 Benjamin Pedan,
7 Matthew Dill,
8 Robert Whitehill,
9 William Irvine,
10 James Power,
11 Chriſtian Lower,
12 Abraham Lincoln,
13 Paul Groſcop,
14 Baltzer Gehr,
15 Thomas Mawhorter,
16 Joſeph Powell,
17 John Piper,
18 Simon Snyder,
19 William Findley,
20 William Todd,
21 Alexander Addiſon,
22 John Hoge,
23 John Smilie,
24 Albert Gallatin,
25 James M'Lene,
26 George Matthews,
27 John Gloninger,
28 William Brown,
29 Alexander Graydon,
30 Thomas Beale.

NAYS.

1 Hilary Baker,
2 George Roberts,
3 William Lewis,
4 Thomas M'Kean,
5 George Gray,
6 William Robinſon, junior,
7 Samuel Ogden,
8 Thomas Jenks,
9 John Barclay,
10 Abraham Stout,
11 Thomas Bull,
12 Thomas Roſs,
13 Edward Hand,
14 Robert Coleman,
15 Sebaſtian Graff,
16 John Hubley,
17 John Breckbill,
18 Henry Slegle,
19 Henry Miller,
20 Benjamin Tyſon,
21 Samuel Sitgreaves,
22 John Arndt,
23 Peter Rhoads,
24 Charles Smith,
25 David Redick,
26 James Roſs,
27 James Morris,
28 Lindſay Coates,
29 Timothy Pickering,
30 John Gibſon,
31 John Sellers,
32 Nathaniel Newlin.

So it was determined in the negative.

Adjourned until nine o'clock to-morrow, A. M.

Wedneſday, Auguſt 25, 1790. A. M.

The Convention met purſuant to adjournment.

The ſeventh ſection of the ninth article, with the amendment moved yeſterday by Mr. Lewis, ſeconded by Mr. M^cKean, recurring,

A motion was made by Mr. Redick, ſeconded by Mr. Reed,

To poſtpone the conſideration of Mr. Lewis and Mr. M^cKean's motion in order to amend the ſection as follows, *viz.*

Section VII. That the printing preſs ſhall be free to every perſon who undertakes to examine the proceedings of the Legiſlature or any branch of government: And no law ſhall ever be made reſtraining the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely ſpeak, write and print on any ſubject, being reſponſible for the abuſe of that liberty. In proſecutions *for libels*, their truth may be given in evidence on the general iſſue, and their nature and tendency, whether proper for public and uſeful information, or whether calculated for ridicule or private malice, to be determined by the jury, under the direction of the court, as in other caſes.

On the queſtion—" Will the Houſe agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Lewis, were as follow:

YEAS.	YEAS.
1 James Wilſon,	12 Joſeph Powell,
2 Robert Hare,	13 John Piper,
3 James Boyd,	14 Alexander Addiſon,
4 William Reed,	15 David Redick,
5 Matthew Dill,	16 John Smilie,
6 James Power,	17 Albert Gallatin,
7 Joſeph Heiſter,	18 James M^cLene,
8 Chriſtian Lower,	19 George Matthews,
9 Abraham Lincoln,	20 Alexander Graydon,
10 Paul Groſcop,	21 Thomas Beale.
11 Baltzer Gehr,	

NAYS.	NAYS.
1 Hilary Baker,	21 Robert Whitehill,
2 George Roberts,	22 William Irvine,
3 William Lewis,	23 John Arndt,
4 Thomas M^cKean,	24 Peter Rhoads,
5 George Gray,	25 Charles Smith,
6 William Robinſon, junior,	26 Simon Snyder,
7 Samuel Ogden,	27 William Findley,
8 Thomas Jenks,	28 William Todd,
9 John Barclay,	29 John Hoge,
10 Abraham Stout,	30 James Roſs,
11 Thomas Bull,	31 James Morris,
12 Thomas Roſs,	32 Lindſay Coates,
13 Edward Hand,	33 Jonathan Shoemaker,
14 John Breckbill,	34 John Gloninger,
15 John Hubley,	35 William Brown,
16 Sebaſtian Graff,	36 Timothy Pickering,
17 Henry Miller,	37 Andrew Henderſon,
18 Henry Slegle,	38 John Gibſon,
19 Benjamin Tyſon,	39 John Sellers,
20 Benjamin Pedan,	40 Nathaniel Newlin.

So it was determined in the negative,

And

And thereupon the amendment moved yeſterday by Mr. Lewis, ſeconded by Mr. M'Kean, adopted, *viz.*

To inſert, after the words, in the original ſection, *In proſecutions for libels*, the words *the jury ſhall have the ſame right to determine the law and the facts, under the direction of the court, as in other caſes.*

A motion was made by Mr. Addiſon, ſeconded by Mr. Wilſon,

Further to amend the laſt propoſition as follows:

In proſecutions for the publication of papers inveſtigating the conduct of officers or men in a public capacity, or where the matter publiſhed is neceſſary or proper for public information, the truth thereof may be given in evidence, in juſtification, on the general iſſue; and in all indictments for libels the jury ſhall have a right to determine the law and the facts, under the direction of the court, as in other caſes.

It was moved by Mr. Lewis, ſeconded by Mr. M'Kean,

To poſtpone the conſideration of the ſaid motion in order to introduce the following, in lieu thereof, *viz.*

In indictments for the compoſing, making or publiſhing of papers inveſtigating the conduct of individuals in their official capacity, the truth of the facts may be given in evidence; and in all proſecutions for libels the jury ſhall have a right to determine the law and the facts, under the direction of the court, as in other caſes.

On the queſtion—" Will the Convention agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Wilſon, were as follow:

YEAS.	YEAS.
1 Hilary Baker,	14 Henry Miller,
2 George Roberts,	15 Henry Slegle,
3 William Lewis,	16 Samuel Sitgreaves,
4 Thomas M'Kean,	17 John Arndt,
5 George Gray,	18 Charles Smith,
6 William Robinſon, junior,	19 James Roſs,
7 Samuel Ogden,	20 James Morris,
8 Thomas Jenks,	21 Lindſay Coates,
9 John Barclay,	22 Jonathan Shoemaker,
10 Abraham Stout,	23 Timothy Pickering,
11 Robert Coleman,	24 Andrew Henderſon,
12 Sebaſtian Graff,	25 John Sellers,
13 John Hubley,	26 Nathaniel Newlin.

NAYS.	NAYS.
1 James Wilſon,	20 Baltzer Gehr,
2 Robert Hare,	21 Peter Rhoads,
3 Enoch Edwards,	22 Joſeph Powell,
4 Thomas Bull,	23 John Piper,
5 Thomas Roſs,	24 Simon Snyder,
6 James Boyd,	25 William Findley,
7 Edward Hand,	26 William Todd,
8 John Breckbill,	27 Alexander Addiſon,
9 William Reed,	28 John Hoge,
10 Benjamin Tyſon,	29 David Redick,
11 Benjamin Pedan,	30 John Smilie,
12 Matthew Dill,	31 Albert Gallatin,
13 Robert Whitehill,	32 James M'Lene,
14 William Irvine,	33 George Matthews,
15 James Power,	34 John Gloninger,
16 Joſeph Heiſter,	35 William Brown,
17 Chriſtian Lower,	36 Alexander Graydon,
18 Abraham Lincoln,	37 John Gibſon,
19 Paul Groſcop,	38 Thomas Beale.

So it was determined in the negative.

The motion made by Mr. Addiſon, ſeconded by Mr. Wilſon, recurring,

A motion was then made by Mr. Lewis, ſeconded by Mr. M^cKean,

To inſert the word *official* before the word *conduct*.

Which was determined in the affirmative.

It was moved by Mr. Lewis, ſeconded by Mr. M^cKean,

To ſtrike out the words *on the general iſſue*.

Which was determined in the affirmative.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Lewis,

To ſtrike out the words *in juſtification*.

On the queſtion—" Will the Convention agree to the ſame?"—The Yeas and Nays being called by Mr. Lewis, were as follow, *viz.*

YEAS.		YEAS.	
1	Hilary Baker,	19	Samuel Sitgreaves,
2	George Roberts,	20	John Arndt,
3	William Lewis,	21	Peter Rhoads,
4	Thomas M^cKean,	22	Charles Smith,
5	George Gray,	23	William Todd,
6	William Robinſon, junior,	24	David Redick,
7	Samuel Ogden,	25	James Roſs,
8	Thomas Jenks,	26	James Morris,
9	Abraham Stout,	27	Lindſay Coates,
10	Thomas Bull,	28	Jonathan Shoemaker,
11	Thomas Roſs,	29	William Brown,
12	Edward Hand,	30	Alexander Graydon,
13	Robert Coleman,	31	Timothy Pickering,
14	Sebaſtian Graff,	32	Andrew Henderſon,
15	John Hubley,	33	John Gibſon,
16	Henry Miller,	34	John Sellers,
17	Henry Slegle,	35	Nathaniel Newlin.
18	Benjamin Tyſon,		

NAYS.		NAYS.	
1	James Wilſon,	16	Paul Groſcop,
2	Robert Hare,	17	Baltzer Gehr,
3	Enoch Edwards,	18	Joſeph Powell,
4	John Barclay,	19	John Piper,
5	James Boyd,	20	Simon Snyder,
6	John Breckbill,	21	William Findley,
7	William Reed,	22	Alexander Addiſon,
8	Benjamin Pedan,	23	John Hoge,
9	Matthew Dill,	24	John Smilie,
10	Robert Whitehill,	25	Albert Gallatin,
11	William Irvine,	26	James M^cLene,
12	James Power,	27	George Matthews,
13	Joſeph Heiſter,	28	John Gloninger,
14	Chriſtian Lower,	29	Thomas Beale.
15	Abraham Lincoln,		

So it was determined in the affirmative.

On the queſtion—" Will the Convention agree to the amendment moved by Mr. Addiſon, ſeconded by Mr. Wilſon, as amended, *viz.*

In

In profecutions for the publication of papers inveſtigating the official conduct of officers or men in a public capacity, or where the matter publiſhed is neceſſary or proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury ſhall have a right to determine the law and the facts, under the direction of the court, as in other caſes?"

The Yeas and Nays being called by Mr. Thomas Roſs, were as follow, *viz.*

YEAS.

1 James Wilſon,
2 Hilary Baker,
3 George Roberts,
4 William Lewis,
5 Thomas M'Kean,
6 George Gray,
7 William Robinſon, junior,
8 Robert Hare,
9 Enoch Edwards,
10 Thomas Jenks,
11 John Barclay,
12 Abraham Stout,
13 Thomas Bull,
14 Thomas Roſs,
15 Jamas Boyd,
16 Edward Hand,
17 Robert Coleman,
18 Sebaſtian Graff,
19 John Hubley,
20 John Breckbill,
21 Henry Miller,
22 Henry Slegle,
23 William Reed,
24 Benjamin Tyſon,
25 Benjamin Pedan,
26 Matthew Dill,
27 Robert Whitehill,
28 William Irvine,
29 James Power,
30 Joſeph Heiſter,
31 Chriſtian Lower,

YEAS.

32 Abraham Lincoln,
33 Paul Groſcop,
34 Baltzer Gehr,
35 John Arndt,
36 Peter Rhoads,
37 Joſeph Powell,
38 John Piper,
39 Charles Smith,
40 Simon Snyder,
41 William Findley,
42 William Todd,
43 Alexander Addiſon,
44 John Hoge,
45 David Redick,
46 James Roſs,
47 John Smilie,
48 Albert Gallatin,
49 James M'Lene,
50 George Matthews,
51 James Morris,
52 Lindſay Coates,
53 Jonathan Shoemaker,
54 John Gloninger,
55 William Brown,
56 Alexander Graydon,
57 Timothy Pickering,
58 Andrew Henderſon,
59 John Gibſon,
60 Thomas Beale,
61 John Sellers,
62 Nathaniel Newlin.

NAYS.

1 Samuel Ogden,
2 Samuel Sitgreaves.

So it was determined in the affirmative,

And the ſeventh ſection of the ninth article adopted as follows, *viz.*

Section VII. That the printing preſs ſhall be free to every perſon, who undertakes to examine the proceedings of the Legiſlature or any branch of government: And no law ſhall ever be made reſtraining the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely ſpeak, write and print on any ſubject, being reſponſible for the abuſe of that liberty. In proſecutions for the publication of papers, inveſtigating the official conduct of officers, or men in a public capacity, or where the matter publiſhed is neceſſary or proper for public information, the truth thereof may be given in evidence: And, in all indictments for libels, the jury ſhall have a right to determine the law and the facts, under the direction of the court, as in other caſes.

Adjourned until nine o'clock to-morrow, A. M.

Thurſday, Auguſt 26, 1790. A. M.

The Convention met purſuant to adjournment.

Agreeably to notice given the twenty-firſt inſtant Mr. Findley moved to re-conſider the ſeventeenth ſection of the firſt article, ſeconded by Mr. Gallatin,

On the queſtion—" Will the Convention agree to re-conſider?"

It was determined in the affirmative.

And the ſeventeenth ſection being under conſideration, *viz.*

Section XVII. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices to be aſcertained by law, and paid out of the treaſury of the commonwealth. They ſhall in all caſes, except treaſon, felony and *breach of the peace*, be privileged from arreſt during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame: And for any ſpeech or debate in either Houſe they ſhall not be queſtioned in any other place.

A motion was made by Mr. Findley, ſeconded by Mr. Gallatin,

To amend the ſection by inſerting, after the word *breach*, the words *or ſurety*.

It was moved by Mr. Lewis, ſeconded by Mr. Bull,

To poſtpone the conſideration of the ſaid motion in order to introduce the following amendment in lieu thereof, *viz.*

Breaches of the peace for which ſurety of the peace may be required.

On the queſtion—" Will the Convention agree to the amendment of Mr. Lewis and Mr. Bull?"

It was determined in the negative.

And thereupon the amendment moved by Mr. Findley, ſeconded by Mr. Gallatin, recurring,

It was, on motion of Mr. Wilſon, ſeconded by Mr. M'Lene,

Ordered, That the further conſideration thereof be poſtponed until to-morrow.

A letter from the Reverend William Smith, D. D. was read, together with an addreſs encloſed,

And ordered to lie on the table.

A motion was made by Mr. Wilſon, ſeconded by Mr. Lewis,

To re-conſider the tenth ſection of the ninth article, *viz.*

Section X. That no perſon ſhall, for any indictable offence, be proceeded againſt, criminally, by information; except *for oppreſſion or miſdemeanor in office*, and in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger; nor ſhall any perſon, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken or applied to public uſe without the conſent of his Repreſentatives, and without juſt compenſation being made.

Which was determined in the affirmative.

A motion was then made by Mr. Lewis, ſeconded by Mr. M'Kean,

To amend the ſection to read as follows, *viz.*

Section X. That no perſon ſhall, for any indictable offence, be proceeded againſt, criminally, by information; except in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger, *or, by leave of the court, for oppreſſion or miſdemeanor in office:* Nor ſhall any perſon, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken or applied to public uſe without the conſent of his Repreſentatives, and without juſt compenſation being made.

Which

Which was determined in the affirmative.

It was moved by Mr. Wilſon, ſeconded by Mr. Smith,

To ſtrike out the words *for oppreſſion or miſdemeanor in office.*

On the queſtion—" Will the Convention agree to ſtrike out the words?"—The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.		YEAS.	
1	James Wilſon,	12	Alexander Addiſon,
2	Abraham Stout,	13	John Hoge,
3	Robert Whitehill,	14	David Redick,
4	William Irvine,	15	John Smilie,
5	James Power,	16	Albert Gallatin,
6	Baltzer Gehr,	17	James M'Lene,
7	John Piper,	18	George Matthews,
8	Charles Smith,	19	John Gloninger,
9	Simon Snyder,	20	Alexander Graydon,
10	William Findley,	21	Thomas Beale.
11	William Todd,		

NAYS.		NAYS.	
1	Hilary Baker,	19	William Reed,
2	George Roberts,	20	Benjamin Tyſon,
3	William Lewis,	21	Benjamin Pedan,
4	Thomas M'Kean,	22	Matthew Dill,
5	William Robinſon, junior,	23	Joſeph Heiſter,
6	Enoch Edwards,	24	Paul Groſcop,
7	Samuel Ogden,	25	Samuel Sitgreaves,
8	Thomas Jenks,	26	Peter Rhoads,
9	John Barclay,	27	Joſeph Powell,
10	William Gibbons,	28	James Roſs,
11	Thomas Bull,	29	Lindſay Coates,
12	Thomas Roſs,	30	Jonathan Shoemaker,
13	James Boyd,	31	William Brown,
14	Edward Hand,	32	Timothy Pickering,
15	Robert Coleman,	33	Andrew Henderſon,
16	Sebaſtian Graff,	34	John Gibſon,
17	John Hubley,	35	John Sellers,
18	John Breckbill,	36	Nathaniel Newlin.

So it was determined in the negative,

And the ſection, as amended by Mr. Lewis and Mr. M'Kean, recurring,

On the queſtion—" Will the Convention adopt the ſame?"

It was determined in the affirmative.

Adjourned until nine o'clock to-morrow, A. M.

Friday, Auguſt 27, 1790. A. M.

The Convention met purſuant to adjournment.

A letter from Michael Billmeyer was read as follows, *viz.*

SIR,

HAVING been informed that Melchior Steiner, who is appointed to print the minutes of the Convention in the German language, has it not in his power to accompliſh the buſineſs ſo ſoon as the Convention wiſh to have it done, I am willing (if the Convention ſhall think proper to appoint me) to undertake the printing of the minutes

minutes of the Committee of the whole, conſiſting of 101 pages, which I will engage to finiſh againſt the fifth day of October next, and to print the minutes of the preſent ſeſſion (if they ſhall be ordered to be done) with an equal degree of expedition.

I have the honor to be, moſt reſpectfully,

SIR,

Your very humble ſervant,

MICHAEL BILLMEYER.

His Excellency the Preſident of the
Convention of Pennſylvania now convened.

A motion was made by Mr. Ogden, ſeconded by Mr. Sitgreaves, as follows, *viz.*

Reſolved, That Michael Billmeyer be appointed to print the minutes of the committee of the whole, at the laſt ſeſſion, in the German language, and to do the future printing to the Convention in the ſaid language; and that the former reſolution appointing Melchior Steiner Printer to the Convention be reſcinded ſo far as reſpects the buſineſs now aſſigned to Michael Billmeyer.

A motion was made by Mr. Redick, ſeconded by Mr. Smilie,

To poſtpone the reſolution moved by Mr. Ogden and Mr. Sitgreaves, in order to introduce a motion, That the committee appointed to ſuperintend the printing of the journals in the German language take order in the premiſes.

On the queſtion—" Will the Convention agree to the poſtponement for the aforeſaid purpoſe?"

It was determined in the negative,

And thereupon the motion of Mr. Ogden and Mr. Sitgreaves adopted.

A motion was made by Mr. Wilſon, ſeconded by Mr. M'Kean,

To re-conſider the eleventh ſection of the ninth article, *viz.*

Section XI. That all courts ſhall be open, and every man for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial or delay.

In order to add the following amendment thereto, *viz.*

Suits may be brought againſt the commonwealth as well as againſt other bodies corporate and individuals.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the affirmative and the ſection, as amended, adopted as follows:

Section XI. That all courts ſhall be open, and every man for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial or delay. Suits may be brought againſt the commonwealth as well as againſt other bodies corporate and individuals.

Agreeably to the order of the day the ſeventeenth ſection of the firſt article recurring, *viz.*

Section XVII. The Senators and Repreſentatives ſhall receive a compenſation for their ſervices to be aſcertained by law, and paid out of the treaſury of the commonwealth. They ſhall in all caſes, except treaſon, felony and *breach* of the peace, be privileged from arreſt during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame: And for any ſpeech or debate in either Houſe they ſhall not be queſtioned in any other place.

Together with the amendment propoſed by Mr. Findley and Mr. Gallatin, to inſert, after the word *breach*, the words *or ſurety*.

On the queſtion—" Will the Convention agree to the amendment?"—The Yeas and Nays being called by Mr. Henderſon, were as follow, *viz.*

YEAS.

YEAS.		YEAS.	
1	James Wilſon,	17	John Piper,
2	Enoch Edwards,	18	William Findley,
3	John Barclay,	19	William Todd,
4	Thomas Roſs,	20	Alexander Addiſon,
5	James Boyd,	21	David Redick,
6	Benjamin Pedan,	22	John Smilie,
7	Matthew Dill,	23	Albert Gallatin,
8	Robert Whitehill,	24	James M'Lene,
9	William Irvine,	25	George Matthews,
10	James Power,	26	James Morris,
11	Joſeph Heiſter,	27	Lindſay Coates,
12	Chriſtian Lower,	28	John Gloninger,
13	Abraham Lincoln,	29	William Brown,
14	Paul Groſcop,	30	Alexander Graydon,
15	Balzer Gehr,	31	John Gibſon,
16	Joſeph Powell,	32	Thomas Beale.

NAYS.		NAYS.	
1	Hilary Baker,	16	Henry Slegle,
2	George Roberts,	17	Henry Miller,
3	William Lewis,	18	Benjamin Tyſon,
4	Thomas M'Kean,	19	William Reed,
5	George Gray,	20	Samuel Sitgreaves,
6	William Robinſon, junior,	21	John Arndt,
7	Robert Hare,	22	Peter Rhoads,
8	Samuel Ogden,	23	Charles Smith,
9	Thomas Jenks,	24	John Hoge,
10	Abraham Stout,	25	James Roſs,
11	William Gibbons,	26	Jonathan Shoemaker,
12	Thomas Bull,	27	Timothy Pickering,
13	Edward Hand,	28	Andrew Henderſon,
14	John Hubley,	29	John Sellers,
15	John Breckbill,	30	Nathaniel Newlin.

So it was determined in the affirmative, and the ſection, as amended, adopted.

A motion was made by Mr. Lewis, ſeconded by Mr. Redick,

To re-conſider the ſixteenth ſection of the ſecond article, *viz.*

XVI. The State Treaſurer ſhall be appointed, annually, by the joint vote of the members of both Houſes. All other officers in the Treaſury *Department*, Election Officers, Officers relating to taxes, to the poor and highways, Conſtables and other townſhip officers, ſhall be appointed in ſuch manner as is or ſhall be directed by law.

In order to amend the ſame by adding, after the word *Department*, the words *Attornies at Law*.

On the queſtion—" Will the Convention agree to the amendment?"

It was determined in the affirmative,

And the ſection, as amended, adopted as follows, *viz.*

Section XVI. The State Treaſurer ſhall be appointed, annually, by the joint vote of the members of both Houſes. All other Officers in the Treaſury Department, Attornies at Law, Election Officers, Officers relating to taxes, to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as is or ſhall be directed by law.

A motion was made by Mr. Edwards, ſeconded by Mr. Boyd,

To re-conſider the thirteenth ſection of the ninth article, *viz.*

Section XIII. That exceſſive bail ſhall not be required, nor exceſſive fines impoſed, nor cruel puniſhments inflicted.

In order to add the following amendment thereto, *viz.*

And in all criminal proſecutions no perſon, if acquitted, ſhall pay coſts.

On the queſtion—" Will the Convention agree to re-conſider the ſection for the aforeſaid purpoſe?"

It was determined in the negative,

A motion was made by Mr. Smith, ſeconded by Mr. Lewis,

To re-conſider the ninth ſection of the ninth article, *viz.*

Section IX. That in all criminal proſecutions the accuſed hath a right to be heard by himſelf and his council, to demand the nature and cauſe of the accuſation againſt him, to meet the witneſſes face to face, to have compulſory proceſs for obtaining witneſſes in his favor, and, in proſecutions by *indictment*, a ſpeedy public trial by an impartial jury of the vicinage: That he cannot be compelled to give evidence againſt himſelf, nor can he be deprived of his life, liberty or property, unleſs by the judgment of his peers or the law of the land.

In order to inſert, after the word *indictment*, the words *or information.*

On the queſtion—" Will the Convention agree to re-conſider for the aforeſaid purpoſe?"

It was determined in the affirmative,

And the ſection, as amended, adopted as follows, *viz.*

Section IX. That, in all criminal proſecutions, the accuſed hath a right to be heard by himſelf and his council, to demand the nature and cauſe of the accuſation againſt him, to meet the witneſſes face to face, to have compulſory proceſs for obtaining witneſſes in his favor, and, in proſecutions by indictment or information, a ſpeedy public trial by an impartial jury of the vicinage: That he cannot be compelled to give evidence againſt himſelf, nor can he be deprived of his life, liberty or property, unleſs by the judgment of his peers or the law of the land.

A motion was made by Mr. Lewis, ſeconded by Mr. M'Kean,

To re-conſider the ſixteenth ſection of the ninth article, *viz.*

Section XVI. That the perſon of a debtor, where there is not a ſtrong preſumption of fraud, ſhall not be continued in priſon after delivering up *all* his eſtate for the benefit of his creditors in ſuch manner as ſhall be preſcribed by law.

In order to ſtrike out the word *all.*

Which was determined in the affirmative, and the ſection, as amended, adopted.

A motion was made by Mr. Lewis, ſeconded by Mr. Smilie,

To re-conſider the twelfth ſection of the firſt article, *viz.*

Section XII. Each Houſe ſhall judge of the qualifications of its own members. But conteſted elections ſhall be determined by a committee to be *ſelected* in ſuch manner as ſhall be directed by law. A majority of each Houſe ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of abſent members in ſuch manner and under ſuch penalties as may be provided.

In order to inſert, after the word *ſelected*, the words *formed and regulated.*

Which was determined in the affirmative, and the ſection, as amended, adopted.

A motion was made by Mr. Lewis, ſeconded by Mr. Smilie,

To re-conſider the ſecond ſection of the ſecond article, *viz.*

Section II. The Governor ſhall be choſen on the ſecond Tueſday of October, by the citizens throughout the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives. The returns of every election for Governor

ſhall

ſhall be tranſmitted, under ſeal, to the ſeat of Government, directed to the Speaker of the Senate, who ſhall open and publiſh them in the preſence of the members of both Houſes of the Legiſlature. The perſon having the higheſt number of votes ſhall be Governor. But if two or more ſhall be equal and higheſt in votes, one of them ſhall be choſen Governor by the joint vote of the members of both Houſes. Conteſted elections ſhall be determined by a committee, to be ſelected *from both Houſes of the Legiſlature*, in ſuch manner as ſhall be directed by law.

In order to inſert, after the words *from both Houſes of the Legiſlature*, the words *and formed and regulated.*

On the queſtion—" Will the Convention agree to re-conſider for the aforeſaid purpoſe?"

It was determined in the affirmative, and the ſection. with the amendment, adopted.

The firſt ſection of the Schedule for the organization of the government of this commonwealth being under conſideration, the ſame was adopted as follows, *viz.*

I. That all laws of this commonwealth, in force at the time of making the ſaid alterations and amendments in the ſaid Conſtitution, and not inconſiſtent therewith, and all rights, actions, proſecutions, claims and contracts, as well of individuals as of bodies corporate, ſhall continue as if the ſaid alterations and amendments had not been made.

The ſecond ſection of the ſaid Schedule being under conſideration, *viz.*

II. That the Preſident and Supreme Executive Council ſhall continue to exerciſe the executive authority of this commonwealth, as heretofore, until *the third Tueſday of December next;* but no intermediate vacancies in the Council ſhall be ſupplied by new elections.

A motion was made by Mr. Addiſon, ſeconded by Mr. Wilſon,

To ſtrike out the words *the third Tueſday of December next*, and, in lieu thereof, to inſert the words *the Governor, who ſhall be choſen at the next general election, ſhall enter upon the duties of his office.*

Which was determined in the affirmative, and the ſection, as amended, adopted.

The third ſection of the ſaid Schedule being under conſideration, the ſame was adopted as follows:

III. That all officers in the appointment of the Executive Department ſhall continue in the exerciſe of the duties of their reſpective offices until the firſt day of September one thouſand ſeven hundred and ninety-one, unleſs their commiſſions ſhall ſooner expire by their own limitations, or the ſaid offices become vacant by death or reſignation; and no longer; unleſs re-appointed and commiſſioned by the Governor; except that the Judges of the Supreme Court ſhall hold their offices for the terms in their commiſſions reſpectively expreſſed.

The fourth ſection of the Schedule being under conſideration, the ſame was adopted as follows, *viz.*

IV. That juſtice ſhall be adminiſtered in the ſeveral counties of the ſtate, until the period aforeſaid, by the ſame Juſtices, in the ſame courts and in the ſame manner as heretofore.

The fifth ſection of the ſaid Schedule being under conſideration, *viz.*

V. That no perſon now in commiſſion as Sheriff ſhall be eligible at the next election for a longer term than will, with the time, which he ſhall have ſerved in the ſaid office, complete the term of three years.

On motion of Mr. Findley and Mr. Todd,

The further conſideration was adjourned.

The ſixth ſection of the ſaid Schedule being under conſideration, the ſame was adopted as follows, *viz.*

VI. That

VI. That until the firſt enumeration ſhall be made as directed in the fourth ſection of the firſt article of the Conſtitution eſtabliſhed by this Convention, the city of Philadelphia and the ſeveral counties ſhall be reſpectively entitled to elect the ſame number of Repreſentatives as is now preſcribed by law.

The ſeventh ſection of the ſaid Schedule being under conſideration, *viz.*

VII. That the firſt Senate ſhall conſiſt of eighteen members, to be choſen in diſtricts formed as follows, *to wit:* The city of Philadelphia and the counties of Philadelphia and Delaware ſhall be a diſtrict, and ſhall elect three Senators: The county of Cheſter ſhall be a diſtrict and ſhall elect one Senator: The county of Bucks ſhall be a diſtrict and ſhall elect one Senator: The county of Montgomery ſhall be a diſtrict and ſhall elect one Senator: The county of Northampton ſhall be a diſtrict and ſhall elect one Senator: The counties of Lancaſter and York ſhall be a diſtrict and ſhall elect three Senators: The counties of Berks and Dauphin ſhall be a diſtrict and ſhall elect two Senators: The counties of Cumberland and Mifflin ſhall be a diſtrict, and ſhall elect one Senator: The counties of Northumberland, Luzerne and Huntingdon ſhall be a diſtrict and ſhall elect one Senator: The counties of Bedford and Franklin ſhall be a diſtrict and ſhall elect one Senator: The counties of Weſtmoreland and Allegany ſhall be a diſtrict and ſhall elect one Senator: And the counties of Waſhington and Fayette ſhall be a diſtrict and ſhall elect two Senators: Which Senators ſhall ſerve until the firſt enumeration before mentioned ſhall be made, and the repreſentation in both Houſes of the Legiſlature ſhall be eſtabliſhed by law, and choſen as in the Conſtitution is directed. Any vacancies, which ſhall happen in the Senate, within the ſaid time, ſhall be ſupplied as preſcribed in the nineteenth ſection of the firſt article.

A motion was made by Mr. Wilſon, ſeconded by Mr. Hare,

To poſtpone the conſideration of the ſaid ſection.

On motion,

Adjourned until nine o'clock to-morrow, A. M.

Saturday, Auguſt 28, 1790. A. M.

The Convention met purſuant to adjournment.

The ſeventh ſection of the Schedule, under conſideration yeſterday, recurring, *viz.*

VII. That the firſt Senate ſhall conſiſt of eighteen members, to be choſen in diſtricts formed as follows, *to wit*: The city of Philadelphia and the counties of Philadelphia and Delaware ſhall be a diſtrict, and ſhall elect three Senators: *The county of Cheſter ſhall be a diſtrict and ſhall elect one Senator: The county of Bucks ſhall be a diſtrict and ſhall elect one Senator: The county of Montgomery ſhall be a diſtrict and ſhall elect one Senator:* The county of Northampton ſhall be a diſtrict and ſhall elect one Senator: The counties of Lancaſter and York ſhall be a diſtrict and ſhall elect three Senators: The counties of Berks and Dauphin ſhall be a diſtrict and ſhall elect two Senators: The counties of Cumberland and Mifflin ſhall be a diſtrict and ſhall elect one Senator: The counties of Northumberland, Luzerne and Huntingdon ſhall be a diſtrict and ſhall elect one Senator: The counties of Bedford and Franklin ſhall be a diſtrict and ſhall elect one Senator: The counties of Weſtmoreland and Allegany ſhall be a diſtrict and ſhall elect one Senator: And the counties of Waſhington and Fayette ſhall be a diſtrict and ſhall elect two Senators: Which Senators ſhall ſerve until the firſt enumeration before mentioned ſhall be made, and the repreſentation in both Houſes of the Legiſlature ſhall be eſtabliſhed by law, and choſen as in the Conſtitution is directed. Any vacancies, which ſhall happen in the Senate, within the ſaid time, ſhall be ſupplied as preſcribed in the nineteenth ſection of the firſt article.

A motion was made by Mr. Robinſon, ſeconded by Mr. M'Kean,

To

To amend the ſection by ſtriking out the words *The county of Cheſter ſhall be a diſtrict and ſhall elect one Senator: The county of Bucks ſhall be a diſtrict and ſhall elect one Senator: The county of Montgomery ſhall be a diſtrict and ſhall elect one Senator:* and, in lieu thereof, to inſert *The counties of Cheſter, Bucks and Montgomery ſhall be a diſtrict and ſhall elect three Senators.*

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Gallatin,

To poſtpone the ſaid ſection, with the amendment propoſed by Mr. Robinſon and Mr. M'Kean, in order to re-conſider the ſeventh ſection of the firſt article, *viz.*

Section VII. The Senators ſhall be choſen in diſtricts, to be formed *of adjoining counties* by the Legiſlature, each containing ſuch a number of taxable inhabitants as ſhall be entitled to elect not more than *four Senators:* But neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

In order to ſtrike out the words *of adjoining counties*, and to inſert, after the words *four Senators*, the following: *Where a diſtrict ſhall be compoſed of two or more counties they ſhall be adjoining.*

On the queſtion—" Will the Convention agree to re-conſider for the aforeſaid purpoſe?"

It was determined in the affirmative,

And the ſection, as amended, adopted as follows, *viz.*

Section VII. The Senators ſhall be choſen in diſtricts, to be formed by the Legiſlature; each containing ſuch a number of taxable inhabitants as ſhall be entitled to elect not more than four Senators: Where a diſtrict ſhall be compoſed of two or more counties, they ſhall be adjoining. But neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

The ſeventh ſection of the ſaid Schedule, with the amendment moved by Mr. Robinſon, ſeconded by Mr. M'Kean, recurring,

On the queſtion—" Will the Convention agree to the amendment?"—The Yeas and Nays being called by Mr. Ogden, were as follow, *viz.*

YEAS.	YEAS.
1 James Wilſon,	11 Thomas Bull,
2 Hilary Baker,	12 John Hubley,
3 George Roberts,	13 James Morris,
4 William Lewis,	14 Lindſay Coates,
5 Thomas M'Kean,	15 Jonathan Shoemaker,
6 George Gray,	16 John Gloninger,
7 William Robinſon, junior,	17 Alexander Graydon,
8 Robert Hare,	18 Andrew Henderſon,
9 Enoch Edwards,	19 John Sellers,
10 William Gibbons,	20 Nathaniel Newlin.

NAYS.	NAYS.
1 Samuel Ogden,	12 Henry Slegle,
2 Thomas Jenks,	13 William Reed,
3 John Barclay,	14 Benjamin Tyſon,
4 Abraham Stout,	15 Benjamin Pedan,
5 Thomas Roſs,	16 Matthew Dill,
6 James Boyd,	17 Robert Whitehill,
7 Edward Hand,	18 William Irvine,
8 Robert Coleman,	19 James Power,
9 Sebaſtian Graff,	20 Joſeph Heiſter,
10 John Breckbill,	21 Chriſtian Lower,
11 Henry Miller,	22 Abraham Lincoln,

NAYS.	NAYS.
23 Paul Groſcop,	35 John Hoge,
24 Baltzer Gehr,	36 David Redick,
25 Samuel Sitgreaves,	37 James Roſs,
26 John Arndt,	38 John Smilie,
27 Peter Rhoads,	39 Albert Gallatin,
28 Joſeph Powell,	40 James M'Lene,
29 John Piper,	41 George Matthews,
30 Charles Smith,	42 William Brown,
31 Simon Snyder,	43 Timothy Pickering,
32 William Findley,	44 John Gibſon,
33 William Todd,	45 Thomas Beale.
34 Alexander Addiſon,	

So it was determined in the negative, and the original ſection adopted.

The eighth ſection of the ſaid Schedule being under conſideration, *viz.*

VIII. That the election of Senators ſhall be conducted, and the returns thereof made, to the Senate, in the ſame manner as is preſcribed by the election laws of the ſtate for conducting and making return of the election for Repreſentatives. In thoſe diſtricts, which conſiſt of more than one county, the Judges of the diſtrict elections within each county, after having formed a return of the whole election within that county, in ſuch manner as is directed by law, ſhall ſend the ſame, by one or more of their number, to the place herein after mentioned within the diſtrict, of which ſuch county is a part, where the Judges ſo met ſhall compare and caſt up the ſeveral county returns, and execute, under their hands and ſeals, one general and true return for the whole diſtrict, *that is to ſay*, The Judges of the diſtrict compoſed of the city of Philadelphia and the counties of Philadelphia and Delaware ſhall meet in the State Houſe in the city of Philadelphia; the Judges of the diſtrict compoſed of the counties of Lancaſter and York ſhall meet at the Court Houſe in the county of Lancaſter; the Judges of the diſtrict compoſed of the counties of Berks and Dauphin ſhall meet at Middletown in the county of Berks; the Judges of the diſtrict compoſed of the counties of Cumberland and Mifflin ſhall meet in Greenwood townſhip, county of Cumberland, at the houſe now occupied by David Miller; the Judges of the diſtrict compoſed of the counties of Northumberland, Luzerne and Huntingdon ſhall meet *at the Court Houſe* in the town of Sunbury; the Judges of the diſtrict compoſed of the counties of Bedford and Franklin ſhall meet at the houſe now occupied by John Dickey, in Air townſhip, Bedford county; the Judges of the diſtrict compoſed of the counties of Weſtmoreland and Allegany ſhall meet in Weſtmoreland county, at the Court Houſe in the town of Greenſborough; and the Judges of the diſtrict compoſed of the counties of Waſhington and Fayette ſhall meet at the Court Houſe in the town of Waſhington in Waſhington county, on the third Tueſday in October reſpectively for the purpoſes aforeſaid.

A motion was made by Mr. Smith, ſeconded by Mr. Miller,

To ſtrike out the words *at the Court Houſe*, after the words *Huntingdon ſhall meet.*

On the queſtion—" Will the Convention agree to ſtrike out the words?"

It was determined in the affirmative, and the ſection, as amended, adopted.

The ninth ſection of the ſaid Schedule being under conſideration, the ſame was adopted as follows, *viz.*

IX. That the election of the Governor ſhall be conducted, in the ſeveral counties, in the manner preſcribed by the laws of the ſtate for the election of Repreſentatives; and the returns in each county ſhall be ſealed by the Judges of the elections and tranſmitted to the Preſident of the Supreme Executive Council, directed to the Speaker of the Senate, as ſoon after the election as may be.

A motion was made by Mr. Wilſon, ſeconded by Mr. Edwards,

To

To amend the firſt ſection of the ſaid Schedule, *viz.*

I. That all laws of this commonwealth, in force at the time of making the ſaid alterations and amendments in the ſaid Conſtitution, and not inconſiſtent therewith, and all rights, actions, proſecutions, claims and contracts, as well of individuals as of bodies corporate, ſhall continue as if the ſaid alterations and amendments had not been made.

By adding the following words thereto, *viz.*

Nor ſhall any perſon, now a citizen of this commonwealth, *who has reſided in a city or county one year next preceding an election, be deprived, on account of the ſaid alterations and amendments, of any right or privilege of electing or being elected into any office for the ſame to which he is entitled by the preſent conſtitution;* except ſo far as is herein before provided in the eighteenth ſection of the firſt article reſpecting members of Congreſs and other perſons holding any office under the United States or this ſtate.

A motion was then made by Mr. M'Kean, ſeconded by Mr. Lewis,

To amend the motion of Mr. Wilſon, ſeconded by Mr. Edwards, by ſtriking out the words *who has reſided in a city or county one year next preceding an election, be deprived, on account of the ſaid alterations and amendments, of any right or privilege of electing or being elected into any office for the ſame to which he is entitled by the preſent Conſtitution;* in order to inſert the following words, in lieu thereof, *viz. be deprived, at the next general election, on account of the ſaid alterations and amendments, of any right or privilege of electing or being elected into office.*

On the queſtion—" Will the Convention agree to the amendment moved by Mr. M'Kean and Mr. Lewis?"

It was determined in the negative.

And on the queſtion—" Will the Convention agree to the amendment moved by Mr. Wilſon and Mr. Edwards?"

It was determined in the negative, and the original ſection thereupon adopted.

The fifth ſection of the ſaid Schedule, poſtponed yeſterday, being under conſideration, *viz.*

V. That no perſon now in commiſſion as Sheriff ſhall be eligible at the next election for a longer term than will, with the time which he ſhall have ſerved in the ſaid office, complete the term of three years.

On the queſtion—" Will the Convention agree to the ſame?"—The Yeas and Nays being called by Mr. Smith, were as follow, *viz.*

YEAS.		YEAS.	
1	Thomas Jenks,	18	Paul Groſcop,
2	John Barclay,	19	Baltzer Gehr,
3	Abraham Stout,	20	Samuel Sitgreaves,
4	William Gibbons,	21	John Arndt,
5	Sebaſtian Graff,	22	Joſeph Powell,
6	John Hubley,	23	John Piper,
7	John Breckbill,	24	Charles Smith,
8	Henry Miller,	25	Simon Snyder,
9	Henry Slegle,	26	Alexander Addiſon,
10	William Reed,	27	John Hoge,
11	Benjamin Pedan,	28	David Redick,
12	Matthew Dill,	29	John Smilie,
13	William Irvine,	30	Albert Gallatin,
14	James Power,	31	James M'Lene,
15	Joſeph Heiſter,	32	George Matthews,
16	Chriſtian Lower,	33	John Gloninger,
17	Abraham Lincoln,	34	William Brown.

NAYS.

NAYS.		NAYS.	
1	James Wilſon,	15	Benjamin Tyſon,
2	Hilary Baker,	16	Peter Rhoads,
3	George Roberts,	17	William Findley,
4	William Lewis,	18	William Todd,
5	Thomas M'Kean,	19	James Morris,
6	George Gray,	20	Lindſay Coates,
7	William Robinſon, junior,	21	Jonathan Shoemaker,
8	Robert Hare,	22	Alexander Graydon,
9	Enoch Edwards,	23	Timothy Pickering,
10	Thomas Bull,	24	Andrew Henderſon,
11	Thomas Roſs,	25	John Gibſon,
12	James Boyd,	26	Thomas Beale,
13	Edward Hand,	27	John Sellers,
14	Robert Coleman,	28	Nathaniel Newlin.

So it was determined in the affirmative, and the ſection adopted.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Henderſon,

To add the following ſection to the Schedule, *viz.*

That perſons now in commiſſion as Sheriffs and Coroners ſhall continue in the execution of the ſaid offices until the Governor ſhall be duly qualified and commence his adminiſtration.

On the queſtion—" Will the Convention agree to the ſame?"

It was determined in the negative.

A motion was made by Mr. M'Kean, ſeconded by Mr. Pickering,

To re-conſider the eighteenth ſection of the firſt article, *viz.*

Section XVIII. No Senator or Repreſentative ſhall, during the time for which he ſhall have been elected, be appointed to any civil office, under the authority of this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed, during ſuch time; and no member of Congreſs or other perſon holding any office (*except* in the militia) under the United States or this commonwealth, ſhall be a member of either Houſe during his continuance in Congreſs or in office.

In order to inſert, after the word *except*, the words *Attornies at Law and corporation officers.*

Mr. M'Lene called for a diviſion on the amendment,

On the words *Attornies at Law.*

Which was determined in the affirmative.

And on the queſtion—" Will the Convention agree to the ſecond part of the ſaid amendment, viz. *and corporation officers.*

It was determined in the negative, and the ſection thereupon adopted as follows:

Section XVIII. No Senator or Repreſentative ſhall, during the time for which he ſhall have been elected, be appointed to any civil office, under the authority of this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed, during ſuch time; and no member of Congreſs or other perſon holding any office (except Attornies at Law and officers in the militia) under the United States or this commonwealth, ſhall be a member of either Houſe during his continuance in Congreſs or in office.

Adjourned until three o'clock on Monday next, P. M.

Monday,

Monday, Auguſt 30, 1790. P. M.

The Convention met purſuant to adjournment.

The committee appointed the twenty-firſt inſtant to reviſe, correct and arrange ſo much of the Conſtitution for the government of this Commonwealth as hath been adopted by this Convention, made report, in part, as follows, *viz.*

The Constitution of the Commonwealth of Pennſylvania.

WE, the People of the Commonwealth of Pennſylvania, *ordain and eſtabliſh this* Constitution *for its Government.*

ARTICLE I.

Section I. THE Legiſlative Power of this Commonwealth ſhall be veſted in a General Aſſembly, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Section II. The Repreſentatives ſhall be choſen, annually, by the citizens of the city of Philadelphia, and of each county reſpectively, on the ſecond Tueſday of October.

Section III. No perſon ſhall be a Repreſentative, who ſhall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the ſtate three years next preceding his election, and the laſt year thereof an inhabitant of the city or county, in which he ſhall be choſen; unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate. No perſon, reſiding within any city, town or borough, which ſhall be entitled to a ſeparate repreſentation, ſhall be elected a member for any county; nor ſhall any perſon, reſiding without the limits of any ſuch city, town or borough, be elected a member therefor.

Section IV. Within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years, an enumeration of the taxable inhabitants ſhall be made, in ſuch manner as ſhall be directed by law. The number of Repreſentatives ſhall, at the ſeveral periods of making ſuch enumeration, be fixed by the Legiſlature, and apportioned among the city of Philadelphia and the ſeveral counties, according to the number of taxable inhabitants in each; and ſhall never be leſs than ſixty, nor greater than one hundred. Each county ſhall have, at leaſt, one Repreſentative; but no county, hereafter erected, ſhall be entitled to a ſeparate repreſentation, until a ſufficient number of taxable inhabitants ſhall be contained within it to entitle them to one Repreſentative, agreeably to the ratio, which ſhall then be eſtabliſhed.

Section V. The Senators ſhall be choſen, for four years, by the citizens of Philadelphia, and of the ſeveral counties, at the ſame time, in the ſame manner, and at the ſame places where they ſhall vote for Repreſentatives.

Section VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration before mentioned, be fixed by the Legiſlature, and apportioned among the diſtricts, formed as herein-after directed, according to the number of taxable inhabitants in each; and ſhall never be leſs than one-fourth, nor greater than one-third of the number of Repreſentatives.

Section

Section VII. The Senators ſhall be choſen in diſtricts, to be formed by the Legiſlature; each diſtrict containing ſuch a number of taxable inhabitants as ſhall be entitled to elect not more than four Senators: Where a diſtrict ſhall be compoſed of two or more counties, they ſhall be adjoining. Neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

Section VIII. No perſon ſhall be a Senator, who ſhall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the ſtate four years next before his election, and the laſt year thereof an inhabitant of the diſtrict, for which he ſhall be choſen; unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.

Section IX. Immediately after the Senators ſhall be aſſembled, in conſequence of the firſt election ſubſequent to the firſt enumeration, they ſhall be divided, by lot, as equally as may be, into four claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the firſt year, of the ſecond claſs at the expiration of the ſecond year, of the third claſs at the expiration of the third year, and of the fourth claſs at the expiration of the fourth year; ſo that one-fourth may be choſen every year.

Section X. The General Aſſembly ſhall meet on the firſt Tueſday of December in every year, unleſs ſooner convened by the Governor.

Section XI. Each Houſe ſhall chooſe its Speaker and other officers; and the Senate ſhall alſo chooſe a Speaker *pro tempore* when the Speaker ſhall exerciſe the office of Governor.

Section XII. Each Houſe ſhall judge of the qualifications of its members. Conteſted elections ſhall be determined by a committee to be ſelected, formed and regulated in ſuch manner as ſhall be directed by law. A majority of each Houſe ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of abſent members in ſuch manner and under ſuch penalties as may be provided.

Section XIII. Each Houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member; but not a ſecond time for the ſame cauſe; and ſhall have all other powers neceſſary for a branch of the Legiſlature of a free ſtate.

Section XIV. Each Houſe ſhall keep a journal of its proceedings, and publiſh them weekly, except ſuch parts as may require ſecrecy: And the Yeas and Nays of the members, on any queſtion, ſhall, at the deſire of any two of them, be entered on the journals.

Section XV. The doors of each Houſe, and of Committees of the whole, ſhall be open, unleſs when the buſineſs ſhall be ſuch as ought to be kept ſecret.

Section XVI. Neither Houſe ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that, in which the two Houſes ſhall be ſitting.

Section XVII. The Senators and Repreſentatives ſhall receive a compenſation, for their ſervices, to be aſcertained by law, and paid out of the Treaſury of the commonwealth. They ſhall, in all caſes, except treaſon, felony and breach or ſurety of the peace, be privileged from arreſt, during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame: And for any ſpeech or debate in either Houſe they ſhall not be queſtioned in any other place.

Section XVIII. No Senator or Repreſentative ſhall, during the time, for which he ſhall have been elected, be appointed to any civil office, under this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed, during ſuch time; and no member of Congreſs or other perſon holding any office (except of Attorney at Law and in the militia) under the United States or this commonwealth, ſhall be a member of either Houſe during his continuance in Congreſs or in office.

Section

Section XIX. When vacancies happen in either Houſe, the Speaker ſhall iſſue writs of election to fill ſuch vacancies.

Section XX. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe amendments as in other bills.

Section XXI. No money ſhall be drawn from the Treaſury but in conſequence of appropriations made by law.

Section XXII. Every bill, which ſhall have paſſed both Houſes, ſhall be preſented to the Governor: If he approve, he ſhall ſign it; but if he ſhall not approve, he ſhall return it, with his objections, to the Houſe, in which it ſhall have originated, who ſhall enter the objections at large upon their journals, and proceed to re-conſider it: If, after ſuch re-conſideration, two-thirds of that Houſe ſhall agree to paſs the bill, it ſhall be ſent, with the objections, to the other Houſe, by which likewiſe it ſhall be re-conſidered: And if approved by two-thirds of that Houſe it ſhall be a law. But in ſuch caſes the votes of both Houſes ſhall be determined by Yeas and Nays, and the names of the perſons voting for or againſt the bill ſhall be entered on the journals of each Houſe reſpectively. If any bill ſhall not be returned by the Governor within ten days (Sundays excepted) after it ſhall have been preſented to him; it ſhall be a law in like manner as if he had ſigned it; unleſs the General Aſſembly, by their adjournment, prevent its return; in which caſe it ſhall be a law, unleſs ſent back within three days after their next meeting.

Section XXIII. Every order, reſolution or vote, to which the concurrence of both Houſes may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Governor, and, before it ſhall take effect, be approved by him, or, being diſapproved, ſhall be re-paſſed by two-thirds of both Houſes, according to the rules and limitations preſcribed in caſe of a bill.

ARTICLE II.

Section I. THE Supreme Executive Power of this commonwealth ſhall be veſted in a Governor.

Section II. The Governor ſhall be choſen on the ſecond Tueſday of October, by the citizens of the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives. The returns of every election for Governor ſhall be ſealed up and tranſmitted to the ſeat of Government, directed to the Speaker of the Senate, who ſhall open and publiſh them in the preſence of the members of both Houſes of the Legiſlature. The perſon having the higheſt number of votes ſhall be Governor. But if two or more ſhall be equal and higheſt in votes, one of them ſhall be choſen Governor by the joint vote of the members, of both Houſes. Conteſted elections ſhall be determined by a committee, to be ſelected from both Houſes of the Legiſlature, and formed and regulated in ſuch manner as ſhall be directed by law.

Section III. The Governor ſhall hold his office during three years from the third Tueſday of December next enſuing his election, and ſhall not be capable of holding it longer than nine in any term of twelve years.

Section IV. He ſhall be, at leaſt, thirty years of age, and have been a citizen and inhabitant of this ſtate ſeven years next before his election; unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.

Section V. No member of Congreſs, or perſon holding any office under the United States or this ſtate, ſhall exerciſe the office of Governor.

Section VI. The Governor ſhall, at ſtated times, receive, for his ſervices, a compenſation, which ſhall be neither encreaſed nor diminiſhed during the period, for which he ſhall have been elected.

Section VII. He ſhall be Commander in Chief of the army and navy of this commonwealth, and of the militia; except when they ſhall be called into the actual ſervice of the United States.

Section

Section VIII. He ſhall appoint all officers, whoſe offices are eſtabliſhed by this Conſtitution, or ſhall be eſtabliſhed by law, and whoſe appointments are not herein otherwiſe provided for; but no perſon ſhall be appointed to an office within any county, who ſhall not have been a citizen and inhabitant therein one year next before his appointment, if the county ſhall have been ſo long erected; but, if it ſhall not have been ſo long erected, then within the limits of the county or counties, out of which it ſhall have been taken. No member of Congreſs from this ſtate, nor any perſon holding or exerciſing any office of truſt or profit under the United States, ſhall, at the ſame time, hold or exerciſe the office of Judge, Secretary, Treaſurer, Prothonotary, Regiſter of Wills, Recorder of Deeds, Sheriff, or any office in this ſtate, to which a ſalary is by law annexed, or any other office, which future Legiſlatures ſhall declare incompatible with offices or appointments under the United States.

Section IX. He ſhall have power to remit fines and forfeitures, and grant reprieves and pardons, except in caſes of impeachment.

Section X. He may require information, in writing, from the officers in the Executive Department, upon any ſubject relating to the duties of their reſpective offices.

Section XI. He ſhall, from time to time, give to the General Aſſembly information of the ſtate of the Commonwealth, and recommend to their conſideration ſuch meaſures as he ſhall judge expedient.

Section XII. He may, on extraordinary occaſions, convene the General Aſſembly; and, in caſe of diſagreement between the two Houſes with reſpect to the time of adjournment, adjourn them to ſuch time as he ſhall think proper, not exceeding four months.

Section XIII. He ſhall take care that the laws be faithfully executed.

Section XIV. In caſe of the death or reſignation of the Governor, or of his removal from office, the Speaker of the Senate ſhall exerciſe the office of Governor, until another Governor, who ſhall, in ſuch caſe, be choſen at the next annual election, ſhall be duly qualified. And if the trial of a conteſted election ſhall continue longer than until the third Tueſday in December next enſuing the election of a Governor; the Governor of the laſt year, or the Speaker of the Senate, who may be in the exerciſe of the executive authority, ſhall continue therein, until the determination of ſuch conteſted election, and until a Governor ſhall be qualified as aforeſaid.

Section XV. A Secretary ſhall be appointed and commiſſioned during the Governor's continuance in office, if he ſhall ſo long behave himſelf well: He ſhall keep a fair regiſter of all the official acts and proceedings of the Governor, and ſhall, when required, lay the ſame and all papers, minutes and vouchers relative thereto before either branch of the Legiſlature, and ſhall perform ſuch other duties as ſhall be enjoined him by law.

ARTICLE III.

Section I. IN Elections by the citizens, every freeman of the age of twenty-one years, having reſided in the ſtate two years next before the election, and within that time paid a ſtate or county tax, which ſhall have been aſſeſſed at leaſt ſix months before the election, ſhall enjoy the rights of an elector: Provided that the ſons of perſons qualified as aforeſaid, between the ages of twenty-one and twenty-two years, ſhall be entitled to vote, although they ſhall not have paid taxes.

Section II. All elections ſhall be by ballot, except thoſe by perſons in their repreſentative capacities, who ſhall vote *viva voce*.

Section III. Electors ſhall, in all caſes, except treaſon, felony and breach or ſurety of the peace, be privileged from arreſt during their attendance on elections and in going to and returning from them.

ARTICLE IV.

Section I. THE Houſe of Repreſentatives ſhall have the ſole power of impeaching.

Section II. All impeachments ſhall be tried by the Senate: When ſitting for that purpoſe, the Senators ſhall be upon oath or affirmation. No perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Section III. The Governor, and all other civil officers, under this commonwealth, ſhall be liable to impeachment for any miſdemeanor in office: But judgment, in ſuch caſes, ſhall not extend further than to removal from office, and diſqualification to hold any office of honor, truſt or profit under this commonwealth: The party, whether convicted or acquitted, ſhall nevertheleſs be liable to indictment, trial, judgment and puniſhment according to law.

ARTICLE V.

Section I. THE Judicial Power of this commonwealth ſhall be veſted in a Supreme Court, in Courts of Oyer and Terminer and General Gaol Delivery, in a Court of Common Pleas, Orphans' Court, Regiſter's Court, and a Court of Quarter Seſſions of the Peace for each county, in Juſtices of the Peace, and in ſuch other Courts as the Legiſlature may, from time to time, eſtabliſh.

Section II. The Judges of the Supreme Court and of the ſeveral Courts of Common Pleas ſhall hold their offices during good behaviour: But for any reaſonable cauſe, which ſhall not be ſufficient ground of impeachment, the Governor may remove any of them, on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive, for their ſervices, an adequate compenſation to be fixed by law, which ſhall not be diminiſhed during their continuance in office; but they ſhall receive no fees or perquiſites of office, nor hold any other office of profit under this commonwealth.

Section III. The juriſdiction of the Supreme Court ſhall extend over the ſtate, and the Judges thereof ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery in the ſeveral counties.

Section IV. Until it ſhall be otherwiſe directed by law, the ſeveral Courts of Common Pleas ſhall be eſtabliſhed in the following manner. The Governor ſhall appoint, in each county, not fewer than three nor more than four Judges, who, during their continuance in office, ſhall reſide in ſuch county: The ſtate ſhall be divided, by law, into circuits, none of which ſhall include more than ſix nor fewer than three counties: A Preſident ſhall be appointed of the courts in each circuit, who, during his continuance in office, ſhall reſide therein: The Preſident and Judges, any two of whom ſhall be a quorum, ſhall compoſe the reſpective Courts of Common Pleas.

Section V. The Judges of the Court of Common Pleas, in each county, ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery for the trial of capital and other offenders therein: Any two of the ſaid Judges, the Preſident being one, ſhall be a quorum; but they ſhall not hold a Court of Oyer and Terminer or Gaol Delivery in any county, when the Judges of the Supreme Court, or any of them, ſhall be ſitting in the ſame county. The party accuſed, as well as the commonwealth, may, under ſuch regulations as ſhall be preſcribed by law, remove the indictment and proceedings, or a tranſcript thereof into the Supreme Court.

Section VI. The Supreme Court and the ſeveral Courts of Common Pleas ſhall, beſide the powers heretofore uſually exerciſed by them, have the powers of a Court of Chancery ſo far as relates to the perpetuating of teſtimony, the obtaining of evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe, who are *non compotes mentis:* And the Legiſlature ſhall veſt, in the ſaid courts, ſuch other powers to grant relief in equity as ſhall be found neceſſary; and may, from time to time, enlarge or diminiſh thoſe powers, or veſt them in ſuch other courts as they ſhall judge proper for the due adminiſtration of juſtice.

Section VII. The Judges of the Court of Common Pleas of each county, any two of whom ſhall be a quorum, ſhall compoſe the Court of Quarter Seſſions of the Peace, and Orphans' Court thereof: And the Regiſter of Wills, together with the ſaid Judges, or any two of them, ſhall compoſe the Regiſter's Court of each county.

Section VIII. The Judges of the Courts of Common Pleas ſhall, within their reſpective counties, have the like powers with the Judges of the Supreme Court, to iſſue writs of Certiorari to the Juſtices of the Peace, and to cauſe their proceedings to be brought before them, and the like right and juſtice to be done.

Section IX. The Preſident of the Courts, in each circuit, within ſuch circuit, and the Judges of the Court of Common Pleas, within their reſpective counties, ſhall be Juſtices of the Peace ſo far as relates to criminal matters.

Section X. The Governor ſhall appoint a competent number of Juſtices of the Peace, in ſuch convenient diſtricts, in each county, as are or ſhall be directed by law: They ſhall be commiſſioned during good behaviour; but may be removed on conviction of miſbehaviour in office, or of any infamous crime, or on the addreſs of both Houſes of the Legiſlature.

Section XI. A Regiſter's office for the probate of wills and granting letters of adminiſtration, and an office for the recording of deeds ſhall be kept in each county.

Section XII. The ſtile of all proceſs ſhall be *The Commonwealth of Pennſylvania;* all proſecutions ſhall be carried on in the name and by the authority of the commonwealth of Pennſylvania, and conclude *Againſt the peace and dignity of the ſame.*

ARTICLE VI.

Section I. SHERIFFS and Coroners ſhall, at the times and places of election of Repreſentatives, be choſen by the citizens of each county: Two perſons ſhall be choſen for each office, one of whom for each reſpectively ſhall be appointed by the Governor. They ſhall hold their offices for three years, if they ſhall ſo long behave themſelves well, and until a ſucceſſor be duly qualified; but no perſon ſhall be twice choſen or appointed Sheriff in any term of ſix years.

Section II. The freemen of this commonwealth ſhall be armed and diſciplined for its defence. Thoſe, who conſcientiouſly ſcruple to bear arms, ſhall not compelled to to do ſo; but ſhall pay an equivalent for perſonal ſervice. The militia officers ſhall be appointed in ſuch manner and for ſuch time as ſhall be directed by law.

Section III. Prothonotaries, Clerks of the Peace and Orphans' Court, Recorders of Deeds, Regiſters of Wills and Sheriffs ſhall keep their offices in the county town of the county, in which they reſpectively ſhall be officers; unleſs when the Governor ſhall, for ſpecial reaſons, diſpence therewith for any term not exceeding five years after the county ſhall have been erected.

Section IV. All commiſſions ſhall be in the name and by the authority of the commonwealth of Pennſylvania, and be ſealed with the ſtate ſeal, and ſigned by the Governor.

Section

Section V. The State Treaſurer ſhall be appointed, annually, by the joint vote of the members of both Houſes. All other Officers in the Treaſury Department, Attornies at Law, Election Officers, Officers relating to taxes, to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as is or ſhall be directed by law.

ARTICLE VII.

Section I. THE Legiſlature ſhall, as ſoon as conveniently may be, provide, by law, for the eſtabliſhment of ſchools throughout the ſtate in ſuch manner that the poor may be taught *gratis*.

Section II. The arts and ſciencies ſhall be promoted in one or more ſeminaries of learning.

Section III. The rights, privileges, immunities and eſtates of religious ſocieties and corporate bodies ſhall remain as if the Conſtitution of this ſtate had not been altered or amended.

ARTICLE VIII.

MEMBERS of the General Aſſembly and all officers, executive and judicial, ſhall be bound, by oath or affirmation, to ſupport the Conſtitution of this commonwealth, and to perform the duties of their reſpective offices with fidelity.

And the ſeveral ſections adopted, except the third ſection of the third article.

A motion was made by Mr. Sitgreaves, ſeconded by Mr. Hand,

To poſtpone the conſideration of the ſaid third ſection, as reported by the Committee of arrangement, in order to introduce a motion to re-conſider the ſeventeenth ſection of the firſt article, to ſtrike from it the words *or ſurety*.

On the queſtion—"Will the Convention agree to the poſtponement for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Hand, were as follow, *viz.*

YEAS.	YEAS.
1 Hilary Baker,	16 Henry Miller,
2 George Roberts,	17 Henry Slegle,
3 William Lewis,	18 Benjamin Tyſon,
4 Thomas M'Kean,	19 Samuel Sitgreaves,
5 George Gray,	20 John Arndt,
6 William Robinſon, junior,	21 Peter Rhoads,
7 Robert Hare,	22 Charles Smith,
8 Samuel Ogden,	23 Simon Snyder,
9 Thomas Jenks,	24 John Hoge,
10 Abraham Stout,	25 James Roſs,
11 Edward Hand,	26 Jonathan Shoemaker,
12 Robert Coleman,	27 Timothy Pickering,
13 Sebaſtian Graff,	28 Andrew Henderſon,
14 John Hubley,	29 John Sellers,
15 John Breckbill,	30 Nathaniel Newlin.

NAYS.

NAYS.		NAYS.	
1	James Wilſon,	17	John Piper,
2	Enoch Edwards,	18	William Findley,
3	John Barclay,	19	William Todd,
4	James Boyd,	20	Alexander Addiſon,
5	William Reed,	21	David Redick,
6	Benjamin Pedan,	22	John Smilie,
7	Matthew Dill,	23	Albert Gallatin,
8	Robert Whitehill,	24	James M'Lene,
9	William Irvine,	25	George Matthews,
10	James Power,	26	James Morris,
11	Joſeph Heiſter,	27	Lindſay Coates,
12	Chriſtian Lower,	28	John Gloninger,
13	Abraham Lincoln,	29	William Brown,
14	Paul Groſcop,	30	Alexander Graydon,
15	Baltzer Gehr,	31	John Gibſon,
16	Joſeph Powell,	32	Thomas Beale.

So it was determined in the negative.

A motion was then made by Mr. James Roſs, ſeconded by Mr. Lewis,

To re-conſider the ſaid ſeventeenth ſection of the firſt article, in order to ſtrike out the following words, viz. *They ſhall in all caſes, except treaſon, felony and breach or ſurety of the peace, be privileged from arreſt during their attendance at the ſeſſion of the reſpective Houſes and in going to and returning from the ſame.*

On the queſtion—" Will the Convention agree to re-conſider for the aforeſaid purpoſe?"—The Yeas and Nays being called by Mr. Smilie, were as follow, *viz.*

YEAS.		YEAS.	
1	George Roberts,	11	John Hubley,
2	William Lewis,	12	John Breckbill,
3	Thomas M'Kean,	13	Samuel Sitgreaves,
4	George Gray,	14	James Roſs,
5	William Robinſon, junior,	15	James Morris,
6	Samuel Ogden,	16	Jonathan Shoemaker,
7	Thomas Jenks,	17	John Gloninger,
8	Abraham Stout,	18	Timothy Pickering,
9	Robert Coleman,	19	John Sellers,
10	Sebaſtian Graff,	20	Nathaniel Newlin.

NAYS.		NAYS.	
1	James Wilſon,	21	Baltzer Gehr,
2	Hilary Baker,	22	John Arndt,
3	Robert Hare,	23	Peter Rhoads,
4	Enoch Edwards,	24	Joſeph Powell,
5	John Barclay,	25	John Piper,
6	James Boyd,	26	Alexander Addiſon,
7	Edward Hand,	27	John Hoge,
8	Henry Miller,	28	David Redick,
9	Henry Slegle,	29	John Smilie,
10	William Reed,	30	Albert Gallatin,
11	Benjamin Tyſon,	31	James M'Lene,
12	Benjamin Pedan,	32	George Matthews,
13	Matthew Dill,	33	Lindſay Coates,
14	Robert Whitehill,	34	William Brown,
15	William Irvine,	35	Alexander Graydon,
16	James Power,	36	William Findley,
17	Joſeph Heiſter,	37	William Todd,
18	Chriſtian Lower,	38	Andrew Henderſon,
19	Abraham Lincoln,	39	John Gibſon,
20	Paul Groſcop,	40	Thomas Beale.

So it was determined in the negative.

On motion of Mr. Wilſon, ſeconded by Mr. Coleman,

Ordered, That the Secretary be directed to have ſo much of the Conſtitution tranſcribed as is paſſed by this Convention.

Adjourned until ten o'clock to-morrow, A. M.

Tueſday, Auguſt 31, 1790. A. M.

The Convention met purſuant to adjournment.

A motion was made by Mr. James Roſs, ſeconded by Mr. M'Lene,

To re-conſider the eleventh ſection of the ninth article, *viz.*

Section XI. That all courts ſhall open, and every man for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial or delay. Suits may be brought againſt the commonwealth *as well as againſt other bodies corporate and individuals.*

In order to ſtrike out the words *as well as againſt other bodies corporate and individuals*, and, in lieu thereof, to inſert the words *in ſuch manner, in ſuch courts and upon ſuch contracts as the Legiſlature ſhall, by law, direct.*

On the queſtion—" Will the Convention agree to re-conſider the ſaid ſection?"

It was determined in the affirmative,

And the amendment moved Mr. James Roſs, ſeconded by Mr. M'Lene, being under conſideration,

A motion was made by Mr. Lewis, ſeconded by Mr. M'Kean,

To poſtpone the conſideration of the ſaid amendment in order to ſubſtitute the following, in lieu thereof, *viz.*

In ſuch courts and under ſuch regulations as ſhall be preſcribed by law.

Which was determined in the negative,

And the amendment moved by Mr. James Roſs, ſeconded by Mr. M'Lene, recurring,

It was moved by Mr. Lewis, ſeconded by Mr. Pickering,

To ſtrike out from the ſaid amendment the words *upon ſuch contracts*, and, in lieu thereof, to inſert the words *in ſuch caſes.*

Which was determined in the affirmative.

On the queſtion—" Will the Convention agree to the amendment as amended, *viz.* *In ſuch manner, in ſuch courts and in ſuch caſes as the Legiſlature ſhall, by law, direct?*"

The Yeas and Nays being called by Mr. Wilſon, were as follow, *viz.*

YEAS.	YEAS.
1 George Roberts,	10 Henry Miller,
2 William Lewis,	11 Henry Slegle,
3 Robert Hare,	12 William Reed,
4 Samuel Ogden,	13 Benjamin Tyſon,
5 Thomas Jenks,	14 Benjamin Pedan,
6 John Barclay,	15 Matthew Dill,
7 James Boyd,	16 Robert Whitehill,
8 Edward Hand,	17 William Irvine,
9 John Hubley,	18 James Power,

YEAS.

19 Joſeph Heiſter,
20 Chriſtian Lower,
21 Abraham Lincoln,
22 Paul Groſcop,
23 Baltzer Gehr,
24 Samuel Sitgreaves,
25 John Arndt,
26 Peter Rhoads,
27 Joſeph Powell,
28 John Piper,
29 Charles Smith,
30 Simon Snyder,
31 William Todd,
32 Alexander Addiſon,
33 John Hoge,

YEAS.

34 David Redick,
35 James Roſs,
36 John Smilie,
37 Albert Gallatin,
38 James M'Lene,
39 George Matthews,
40 James Morris,
41 Lindſay Coates,
42 Jonathan Shoemaker,
43 John Gloninger,
44 William Brown,
45 Andrew Henderſon,
46 John Gibſon,
47 Thomas Beale.

NAYS.

1 James Wilſon,
2 Hilary Baker,
3 Thomas M'Kean,
4 George Gray,
5 William Robinſon, junior,
6 Enoch Edwards,

NAYS.

7 Abraham Stout,
8 John Breckbill,
9 Alexander Graydon,
10 Timothy Pickering,
11 John Sellers,
12 Nathaniel Newlin.

So it was determined in the affirmative, and the ſection adopted as follows, *viz.*

Section XI. That all courts ſhall be open, and every man, for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial or delay. Suits may be brought againſt the commonwealth in ſuch manner, in ſuch courts and in ſuch caſes as the Legiſlature ſhall, by law, direct.

A motion was made by Mr. Lewis, ſeconded by Mr. Graydon,

To re-conſider the eighth ſection of the ſecond article, *viz.*

Section VIII. He ſhall appoint all officers, whoſe offices are eſtabliſhed by this Conſtitution, or ſhall be eſtabliſhed by law, and whoſe appointments are not herein otherwiſe provided for; but no perſon ſhall be appointed to an office within any county, who ſhall not have been a citizen and inhabitant therein one year next before his appointment, if the county ſhall have been ſo long erected; but, if it ſhall not have been ſo long erected, then within the limits of the county or counties, out of which it ſhall have been taken. No member of Congreſs from this ſtate, nor any perſon holding or exerciſing any office of truſt or profit under the United States, ſhall, at the ſame time, hold or exerciſe the office of Judge, Secretary, Treaſurer, Prothonotary, Regiſter of Wills, Recorder of Deeds, Sheriff, or any office in this ſtate, to which a ſalary is by law annexed, or any other office, which future Legiſlatures ſhall declare incompatible with offices or appointments under the United States.

On the queſtion—" Will the Convention agree to re-conſider?"—The Yeas and Nays being called by Mr. Lewis, were as follows, *viz.*

YEAS.

1 James Wilſon,
2 Hilary Baker,
3 George Roberts,
4 William Lewis,
5 Thomas M'Kean,
6 George Gray,
7 Robert Hare,
8 John Hubley,

YEAS.

9 Samuel Sitgreaves,
10 John Arndt,
11 Jonathan Shoemaker,
12 Alexander Graydon,
13 Timothy Pickering,
14 Andrew Henderſon,
15 John Sellers,
16 Nathaniel Newlin.

NAYS.

NAYS.		NAYS.	
1	William Robinſon, junior,	22	Baltzer Gehr,
2	Enoch Edwards,	23	Peter Rhoads,
3	Samuel Ogden,	24	Joſeph Powell,
4	Thomas Jenks,	25	John Piper,
5	John Barclay,	26	Simon Snyder,
6	Abraham Stout,	27	William Findley,
7	James Boyd,	28	William Todd,
8	Edward Hand,	29	Alexander Addiſon,
9	John Breckbill,	30	John Hoge,
10	Henry Miller,	31	David Redick,
11	Henry Slegle,	32	James Roſs,
12	William Reed,	33	John Smilie,
13	Benjamin Tyſon,	34	Albert Gallatin,
14	Benjamin Pedan,	35	James M'Lene,
15	Matthew Dill,	36	George Matthews,
16	Robert Whitehill,	37	John Gloninger,
17	William Irvine,	38	William Brown,
18	James Power,	39	Chriſtian Lower,
19	Joſeph Heiſter,	40	John Gibſon,
20	Abraham Lincoln,	41	Thomas Beale.
21	Paul Groſcop,		

So it was determined in the negative.

A motion was made by Mr. Addiſon, ſeconded by Mr. Hare,

To re-conſider the fourteenth ſection of the ſecond article, *viz.*

Section XIV. In caſe of the death or reſignation of the Governor, or of his removal from office, the Speaker of the Senate ſhall exerciſe the office of Governor, until another Governor, *who ſhall, in ſuch caſe, be choſen at the next annual election*, ſhall be duly qualified. And if the trial of a conteſted election ſhall continue longer than until the third Tueſday in December next enſuing the election of a Governor; the Governor of the laſt year, or the Speaker of the Senate, who may be in the exerciſe of the executive authority, ſhall continue therein, until the determination of ſuch conteſted election, and until a Governor ſhall be qualified as aforeſaid.

In order to ſtrike out the words *who ſhall, in ſuch caſe, be choſen at the next annual election.*

On the queſtion—" Will the Convention agree to re-conſider for the aforeſaid purpoſe?"

It was determined in the affirmative, and the ſection, as amended, adopted as follows:

Section XIV. In caſe of the death or reſignation of the Governor, or of his removal from office, the Speaker of the Senate ſhall exerciſe the office of Governor, until another Governor ſhall be duly qualified. And if the trial of a conteſted election ſhall continue longer than until the third Tueſday in December next enſuing the election of a Governor; the Governor of the laſt year, or the Speaker of the Senate, who may be in the exerciſe of the executive authority, ſhall continue therein, until the determination of ſuch conteſted election, and until a Governor ſhall be qualified as aforeſaid.

The committee appointed the twenty-firſt inſtant to reviſe, correct and arrange ſo much of the Conſtitution for the government of this Commonwealth as hath been agreed to by this Convention, made further report, in part, which was adopted as follows, *viz.*

ARTICLE IX.

That the general, great and eſſential Principles of Liberty and free Government may be recognized and unalterably eſtabliſhed, WE DECLARE,

Section I. THAT all men are born equally free and independent, and have certain inherent and indefeaſible rights, among which are thoſe of enjoying and defending life and liberty, of acquiring, poſſeſſing and protecting property and reputation, and of purſuing their own happineſs.

Section II. That all power is inherent in the people, and all free governments are founded on their authority, and inſtituted for their peace, ſafety and happineſs: For the advancement of thoſe ends they have, at all times, an unalienable and indefeaſible right to alter, reform or aboliſh their government in ſuch manner as they may think proper.

Section III. That all men have a natural and indefeaſible right to worſhip Almighty God according to the dictates of their own conſciences; that no man can, of right, be compelled to attend, erect or ſupport any place of worſhip, or to maintain any miniſtry againſt his conſent; that no human authority can, in any caſe whatever, controul or interfere with the rights of conſcience; and that no preference ſhall ever be given, by law, to any religious eſtabliſhments or modes of worſhip.

Section IV. That no perſon who acknowledges the being of a God and a future ſtate of rewards and puniſhments, ſhall, on account of his religious ſentiments, be diſqualified to hold any office or place of truſt or profit under this commonwealth.

Section V. That elections ſhall be free and equal.

Section VI. That trial by jury ſhall be as heretofore, and the right thereof remain inviolate.

Section VII. That the printing preſſes ſhall be free to every perſon, who undertakes to examine the proceedings of the Legiſlature or any branch of government: And no law ſhall ever be made to reſtrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely ſpeak, write and print on any ſubject, being reſponſible for the abuſe of that liberty. In proſecutions for the publication of papers, inveſtigating the official conduct of officers, or men in a public capacity, or where the matter publiſhed is proper for public information, the truth thereof may be given in evidence: And, in all indictments for libels, the jury ſhall have a right to determine the law and the facts, under under the direction of the court, as in other caſes.

Section VIII. That the people ſhall be ſecure in their perſons, houſes, papers and poſſeſſions from unreaſonable ſearches and ſeizures: And that no warrant to ſearch any place, or to ſeize any perſon or things ſhall iſſue without deſcribing them as nearly as may be, nor without probable cauſe ſupported by oath or affirmation.

Section IX. That in all criminal proſecutions, the accuſed hath a right to be heard by himſelf and his council, to demand the nature and cauſe of the accuſation againſt him, to meet the witneſſes face to face, to have compulſory proceſs for obtaining witneſſes in his favor, and, in proſecutions by indictment or information, a ſpeedy public trial by an impartial jury of the vicinage: That he cannot be compelled to give evidence againſt himſelf, nor can he be deprived of his life, liberty or property, unleſs by the judgment of his peers or the law of the land.

Section

Section X. That no perſon ſhall, for any indictable offence, be proceeded againſt criminally by information, except in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger, or, by leave of the court, for oppreſſion and miſdemeanor in office. No perſon ſhall, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken or applied to public uſe without the conſent of his Repreſentatives, and without juſt compenſation being made.

Section XI. That all courts ſhall be open, and every man, for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial or delay. Suits may be brought againſt the commonwealth in ſuch manner, in ſuch courts and in ſuch caſes as the Legiſlature may, by law, direct.

Section XII. That no power of ſuſpending laws ſhall be exerciſed, unleſs by the Legiſlature or its authority.

Section XIII. That exceſſive bail ſhall not be required, nor exceſſive fines impoſed, nor cruel puniſhments inflicted.

Section XIV. That all priſoners ſhall be bailable by ſufficient ſureties, unleſs for capital offences when the proof is evident or preſumption great; and the privilege of the writ of Habeas Corpus ſhall not be ſuſpended, unleſs when, in caſes of rebellion or invaſion, the public ſafety may require it.

Section XV. That no commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

Section XVI. That the perſon of a debtor, where there is not ſtrong preſumption of fraud, ſhall not be continued in priſon after delivering up his eſtate for the benefit of his creditors in ſuch manner as ſhall be preſcribed by law.

Section XVII. That no *expoſt facto* law, nor any law impairing contracts, ſhall be made.

Section XVIII. That no perſon ſhall be attainted of treaſon or felony by the Legiſlature.

Section XIX. That no attainder ſhall work corruption of blood, nor, except during the life of the offender, forfeiture of eſtate to the commonwealth; that the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall deſcend or veſt as in caſe of natural death; and if any perſon ſhall be killed by caſualty, there ſhall be no forfeiture by reaſon thereof.

Section XX. That the citizens have right, in a peaceable manner, to aſſemble together for their common good, and to apply to thoſe inveſted with the powers of government, for redreſs of grievances or other proper purpoſes, by petition, addreſs or remonſtrance.

Section XXI. That the right of the citizens to bear arms in defence of themſelves and the ſtate ſhall not be queſtioned.

Section XXII. That no ſtanding army ſhall, in time of peace, be kept up without the conſent of the Legiſlature; and the military ſhall, in all caſes, and, at all times, be in ſtrict ſubordination to the civil power.

Section XXIII. That no ſoldier ſhall, in time of peace, be quartered in any houſe without the conſent of the owner, nor, in time of war, but in a manner to be preſcribed by law.

Section XXIV. That the Legiſlature ſhall not grant any title of nobility or hereditary diſtinction, nor create any office, the appointment to which ſhall be for a longer term than during good behaviour.

Section XXV. That emigration from the ſtate ſhall not be prohibited.

Section XXVI. To guard againſt tranſgreſſions of the high powers which we have delegated, WE DECLARE, That every thing in this article is excepted out of the general powers of government, and ſhall for ever remain inviolate.

A motion was made by Mr. Lewis, ſeconded by Mr. Smith,

To re-conſider the firſt ſection of the ſixth article, *viz.*

Section I. Sheriffs and Coroners ſhall, at the times and places of election of Repreſentatives, be choſen by the citizens of each county: Two perſons ſhall be choſen for each office, one of whom for each reſpectively ſhall be appointed by the Governor. They ſhall hold their offices for three years, if they ſhall ſo long behave themſelves well, and until a ſucceſſor ſhall be duly qualified; but no perſon ſhall be twice choſen or appointed Sheriff in any term of ſix years.

In order to amend the ſame to read as follows, *viz.*

Section I. Sheriffs and Coroners ſhall, at the times and places of election of Repreſentatives, be choſen by the citizens of each county: Two perſons ſhall be choſen for each office, one of whom for each reſpectively ſhall be appointed by the Governor. They ſhall hold their offices for three years, if they ſhall ſo long behave themſelves well, and until a ſucceſſor be duly qualified; but no perſon ſhall be twice choſen or appointed Sheriff in any term of ſix years. Vacancies, in either of the ſaid offices, ſhall be filled by a new appointment to be made by the Governor, to continue until the next general election and until a ſucceſſor ſhall be choſen and qualified as aforeſaid.

On the queſtion—" Will the Convention agree to re-conſider for the aforeſaid purpoſe?"

It was determined in the affirmative, and the firſt ſection, as amended, adopted.

A motion was made by Mr. Wilſon, ſeconded by Mr. M'Lene, and adopted as follows, *viz.*

Reſolved, That a committee be appointed to arrange the order of proceſſion at the proclamation of the Conſtitution.

Ordered, That Mr. Barclay, Mr. Miller and Mr. Sitgreaves be a committee for the purpoſe contained in the foregoing reſolution.

On motion,

The Convention agreed to re-conſider the title of the Conſtitution, *viz.*

The Conſtitution of the Commonwealth of Pennſylvania. *as altered and amended by the Convention for that purpoſe freely choſen and aſſembled.*

A diviſion of the queſtion on the title being called for, *viz.* on the words

The Conſtitution of the Commonwealth of Pennſylvania.

On the queſtion—" Will the Convention agree to the ſame?"

It was determined in the affirmative.

And on the queſtion—" Will the Convention agree to the latter part of the ſaid title?"

It was determined in the negative, and the title adopted as follows:

The Conſtitution of the Commonwealth of Pennſylvania.

Whereupon,

Ordered, That the Conſtitution, as agreed to by this Convention, be engroſſed.

Adjourned until nine o'clock on Thurſday next, A. M.

Thurſday,

Thurſday, September 2, 1790. A. M.

The Convention met purſuant to adjournment.

A letter from John Arndt, Eſquire, a member for the county of Northampton, was read, ſtating the immediate neceſſity of leaving the Convention on account of the indiſpoſition of his family; and requeſting the Secretary or one of his Colleagues may be permitted to ſign the Conſtitution of the commonwealth of Pennſylvania, as adopted, in his behalf.

On the queſtion—" Will the Convention agree to the ſaid requeſt?"

It was unanimouſly determined in the affirmative,

And Mr. Sitgreaves directed to ſubſcribe the name of Mr. Arndt accordingly.

The Conſtitution, as adopted by the Convention, having been brought in engroſſed, the ſame was compared at the table.

A motion was then made by Mr. Wilſon, as Chairman of the Committee of Arrangement, that the following words be adopted as the concluding part of the Conſtitution, *viz.*

DONE in Convention, the ſecond Day of September, in the Year of our Lord one thouſand ſeven hundred and ninety, and of the Independence of the United States of America the fifteenth. IN TESTIMONY whereof we have hereunto ſubſcribed our Names.

On the queſtion—" Will the Convention agree to annex the ſame to the Conſtitution of the commonwealth of Pennſylvania?"

It was determined in the affirmative,

And thereupon ordered, That the ſame be engroſſed and annexed to the ſaid Conſtitution already compared.

The Committee of accounts made report, which was read and adopted as follows:

The Committee of accounts beg leave to report,

THAT the incidental expences amount to thirty-five pounds, ten ſhillings and one penny, whereof the Secretary has paid, out of the one hundred and fifty pounds which were put into his hands towards paying the Printers, twenty pounds, twelve ſhillings and ſix pence, which leaves a balance to be paid of fourteen pounds, ſeventeen ſhillings and ſeven pence.

That the accounts of the Printers, as nearly as they can be eſtimated, will be as follows, *viz.*

	Specie.		*Paper.*
Zachariah Poulſon, junior's account will amount to - - -	£688 5 6		
On account whereof he has received £379 7 6 *paper*, equal to	333 19 0		
Balance due when the ſervice is performed, - - - - -	£354 6 6,	equal to	£398 12 3
Melchior Steiner's account - - - - - - - - - - - - -	236 0 0		
On account whereof he has received £125 *paper*, equal to - -	109 7 6		
Balance due when the ſervice ſhall be performed, - - - -	126 12 6,	equal to	142 9 0
Michael Billmeyer's account eſtimated by the Committee - -	249 0 0,	equal to	280 2 6
			£821 3 9

The Committee therefore beg leave to ſubmit the following reſolutions, *viz.*

That the Preſident draw orders as follow:

In favor of the Secretary for fourteen pounds, ſeventeen ſhillings and ſevenpence, the balance yet due of incidental expences.

In

In favor of the Secretary for eight hundred and twenty-one pounds, three ſhillings and nine pence, for the purpoſe of paying the Printers when their reſpective ſervices ſhall be performed, and to account with the Regiſter-General.

In favor of Joſeph Webb for eight pounds, eight ſhillings and nine pence, for engroſſing the Conſtitution.

In favor of Jacob Garrigues for four pounds, four ſhillings and ſix pence, for making a fair copy of the Conſtitution and engroſſing the Schedule.

In favor of the Secretary for twenty-five pounds, for his ſervices during the preſent ſeſſion, and for the further ſum of twenty pounds, for ſervices yet to be performed in attending to the printing of the Conſtitution and Minutes and forwarding the ſame to the ſeveral members of the Convention.

In favor of Jacob Shallus, Aſſiſtant-Secretary, for twenty-five pounds, for his ſervices during the preſent ſeſſion, and for the further ſum of twelve pounds for making a fair record of the proceedings of the Convention.

In favor of Frederick Snyder, Meſſenger, for fourteen pounds, for his pay, including three days extra ſervice.

And in favor of Joſeph Fry, Door-Keeper, for fourteen pounds, for his pay, including three days extra ſervice.

The Committee appointed the thirty-firſt of Auguſt to arrange the order of proceſſion for proclaiming the Conſtitution of this Commonwealth made report, which was adopted as follows, *viz.*

Order of Proceſſion for the Proclamation of the Conſtitution of the Commonwealth of Pennſylvania.

Conſtables with their Staves;
Sub-Sheriffs with their Wands;
High-Sheriff and Coroner with their Wands;
Judges of the Supreme Court and Judges of the High Court of Errors and Appeals;
Attorney-General and Prothonotary of the Supreme Court;
Wardens of the Port of Philadelphia;
Treaſurer, Comptroller-General and Regiſter-General;
Secretary of the Land Office;
Receiver-General and Surveyor-General;
Juſtices of the Peace;
Prothonotary of the Court of Common Pleas & Clerk of the Court of Quarter Seſſions;
Clerks of the Mayor's Court and of the Corporation;
Mayor, Recorder and Aldermen;
Common Council;
Maſter of the Rolls and Regiſter of Wills;
Regiſter of German Paſſengers, and Collector of Exciſe in the City and County;
Meſſenger of the Convention;
Secretary and Aſſiſtant-Secretary of the Convention;

Preſident

Preſident of the Convention;

Members of Convention two and two;

Door-Keeper of the Convention;

Secretary and Aſſiſtant-Secretary of Council;

Vice-Preſident of the Executive Council;

Members of Council two and two;

Door-Keeper of Council;

Sergeant at Arms with the Mace;

Clerk of the General Aſſembly;

Speaker of the General Aſſembly;

Members of the General Aſſembly two and two;

Door-Keeper of the General Aſſembly;

Provoſt and Faculty of the Univerſity;

Provoſt and Faculty of the College and Academy of Philadelphia;

Officers of the Militia;

Citizens.

The Conſtitution, with the addition moved by Mr. Wilſon, being before the Convention,

On the queſtion—" Will the Convention ratify the ſame as the Conſtitution of the Commonwealth of Pennſylvania?"—The Yeas and Nays being called by Mr. Wilſon, were as follows, *viz.*

	YEAS.		YEAS.
1	James Wilſon,	25	Benjamin Pedan,
2	Hilary Baker,	26	Matthew Dill,
3	William Lewis,	27	William Irvine,
4	Thomas M'Kean,	28	James Power,
5	George Gray,	29	Joſeph Heiſter,
6	William Robinſon, junior,	30	Chriſtian Lower,
7	Robert Hare,	31	Abraham Lincoln,
8	Enoch Edwards,	32	Paul Gróſcop,
9	Samuel Ogden,	33	Baltzer Gehr,
10	Thomas Jenks,	34	Samuel Sitgreaves,
11	John Barclay,	35	Peter Rhoads,
12	Abraham Stout,	36	Joſeph Powell,
13	William Gibbons,	37	John Piper,
14	Thomas Bull,	38	Charles Smith,
15	James Boyd,	39	Simon Snyder,
16	Edward Hand,	40	William Findley,
17	Robert Coleman,	41	William Todd,
18	Sebaſtian Graff,	42	Alexander Addiſon,
19	John Hubley,	43	John Hoge,
20	John Breckbill,	44	David Redick,
21	Henry Miller,	45	James Roſs,
22	Henry Slegle,	46	John Smilie,
23	William Reed,	47	Albert Gallatin,
24	Benjamin Tyſon,	48	James M'Lene,

YEAS.

YEAS.

49 George Matthews,
50 James Morris,
51 Lindfay Coates,
52 Jonathan Shoemaker,
53 John Gloninger,
54 William Brown,
55 Alexander Graydon,

YEAS.

56 Timothy Pickering,
57 Andrew Henderfon,
58 John Gibfon,
59 Thomas Beale,
60 John Sellers,
61 Nathaniel Newlin.

NAY.

George Roberts.

So it was determined in the affirmative, and ratified and confirmed by the members preſent as follows, *viz.*

THE

CONSTITUTION

OF THE

COMMONWEALTH

OF

PENNSYLVANIA.

WE, the People of the Commonwealth of Pennſylvania, ordain and eſtabliſh this CONSTITUTION for its Government.

ARTICLE I.

Section I. THE Legiſlative Power of this Commonwealth ſhall be veſted in a General Aſſembly, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Section II The Repreſentatives ſhall be choſen, annually, by the citizens of the city of Philadelphia, and of each county reſpectively, on the ſecond Tueſday of October.

Section III. No perſon ſhall be a Repreſentative, who ſhall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the ſtate three years next preceding his election, and the laſt year thereof an inhabitant of the city or county, in which he ſhall be choſen; unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate. No perſon, reſiding within any city,

town

town or borough, which ſhall be entitled to a ſeparate repreſentation, ſhall be elected a member for any county; nor ſhall any perſon, reſiding without the limits of any ſuch city, town or borough, be elected a member therefor.

Section IV. Within three years after the firſt meeting of the General Aſſembly, and within every ſubſequent term of ſeven years, an enumeration of the taxable inhabitants ſhall be made, in ſuch manner as ſhall be directed by law. The number of Repreſentatives ſhall, at the ſeveral periods of making ſuch enumeration, be fixed by the Legiſlature, and apportioned among the city of Philadelphia and the ſeveral counties, according to the number of taxable inhabitants in each; and ſhall never be leſs than ſixty, nor greater than one hundred. Each county ſhall have, at leaſt, one Repreſentative; but no county, hereafter erected, ſhall be entitled to a ſeparate repreſentation, until a ſufficient number of taxable inhabitants ſhall be contained within it to entitle them to one Repreſentative, agreeably to the ratio, which ſhall then be eſtabliſhed.

Section V. The Senators ſhall be choſen, for four years, by the citizens of Philadelphia, and of the ſeveral counties, at the ſame time, in the ſame manner, and at the ſame places where they ſhall vote for Repreſentatives.

Section VI. The number of Senators ſhall, at the ſeveral periods of making the enumeration before mentioned, be fixed by the Legiſlature, and apportioned among the diſtricts, formed as herein-after directed, according to the number of taxable inhabitants in each; and ſhall never be leſs than one-fourth, nor greater than one-third of the number of Repreſentatives.

Section VII. The Senators ſhall be choſen in diſtricts, to be formed by the Legiſlature; each diſtrict containing ſuch a number of taxable inhabitants as ſhall be entitled to elect not more than four Senators: When a diſtrict ſhall be compoſed of two or more counties, they ſhall be adjoining. Neither the city of Philadelphia nor any county ſhall be divided in forming a diſtrict.

Section VIII. No perſon ſhall be a Senator, who ſhall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the ſtate four years next before his election, and the laſt year thereof an inhabitant of the diſtrict, for which he ſhall be choſen; unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.

Section IX. Immediately after the Senators ſhall be aſſembled, in conſequence of the firſt election ſubſequent to the firſt enumeration, they ſhall be divided, by lot, as equally as may be, into four claſſes. The ſeats of the Senators of the firſt claſs ſhall be vacated at the expiration of the firſt year, of the ſecond claſs at the expiration of the ſecond year, of the third claſs at the expiration of the third year, and of the fourth claſs at the expiration of the fourth year; ſo that one-fourth may be choſen every year.

Section X. The General Aſſembly ſhall meet on the firſt Tueſday of December in every year, unleſs ſooner convened by the Governor.

Section XI. Each Houſe ſhall chooſe its Speaker and other officers; and the Senate ſhall alſo chooſe a Speaker *pro tempore* when the Speaker ſhall exerciſe the office of Governor.

Section XII. Each Houſe ſhall judge of the qualifications of its members. Conteſted elections ſhall be determined by a committee to be ſelected, formed and regulated in ſuch manner as ſhall be directed by law. A majority of each Houſe ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of abſent members in ſuch manner and under ſuch penalties as may be provided.

Section XIII. Each Houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member; but not a ſecond time for the ſame cauſe; and ſhall have all other powers neceſſary for a branch of the Legiſlature of a free ſtate.

Section

Section XIV. Each Houſe ſhall keep a journal of its proceedings, and publiſh them weekly, except ſuch parts as may require ſecrecy: And the Yeas and Nays of the members, on any queſtion, ſhall, at the deſire of any two of them, be entered on the journals.

Section XV. The doors of each Houſe, and of Committees of the whole, ſhall be open, unleſs when the buſineſs ſhall be ſuch as ought to be kept ſecret.

Section XVI. Neither Houſe ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that, in which the two Houſes ſhall be ſitting.

Section XVII. The Senators and Repreſentatives ſhall receive a compenſation, for their ſervices, to be aſcertained by law, and paid out of the Treaſury of the commonwealth. They ſhall, in all caſes, except treaſon, felony and breach or ſurety of the peace, be privileged from arreſt, during their attendance at the ſeſſion of the reſpective Houſes, and in going to and returning from the ſame: And for any ſpeech or debate in either Houſe they ſhall not be queſtioned in any other place.

Section XVIII. No Senator or Repreſentative ſhall, during the time, for which he ſhall have been elected, be appointed to any civil office, under this commonwealth, which ſhall have been created, or the emoluments of which ſhall have been encreaſed, during ſuch time; and no member of Congreſs or other perſon holding any office (except of Attorney at Law and in the militia) under the United States or this commonwealth, ſhall be a member of either Houſe during his continuance in Congreſs or in office.

Section XIX. When vacancies happen in either Houſe, the Speaker ſhall iſſue writs of election to fill ſuch vacancies.

Section XX. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe amendments as in other bills.

Section XXI. No money ſhall be drawn from the Treaſury but in conſequence of appropriations made by law.

Section XXII. Every bill, which ſhall have paſſed both Houſes, ſhall be preſented to the Governor: If he approve, he ſhall ſign it; but if he ſhall not approve, he ſhall return it, with his objections, to the Houſe, in which it ſhall have originated, who ſhall enter the objections at large upon their journals, and proceed to re-conſider it: If, after ſuch re-conſideration, two-thirds of that Houſe ſhall agree to paſs the bill, it ſhall be ſent, with the objections, to the other Houſe, by which likewiſe it ſhall be re-conſidered: And if approved by two-thirds of that Houſe it ſhall be a law. But in ſuch caſes the votes of both Houſes ſhall be determined by Yeas and Nays, and the names of the perſons voting for or againſt the bill ſhall be entered on the journals of each Houſe reſpectively. If any bill ſhall not be returned by the Governor within ten days (Sundays excepted) after it ſhall have been preſented to him; it ſhall be a law in like manner as if he had ſigned it; unleſs the General Aſſembly, by their adjournment, prevent its return; in which caſe it ſhall be a law, unleſs ſent back within three days after their next meeting.

Section XXIII. Every order, reſolution or vote, to which the concurrence of both Houſes may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Governor, and, before it ſhall take effect, be approved by him, or, being diſapproved, ſhall be re-paſſed by two-thirds of both Houſes, according to the rules and limitations preſcribed in caſe of a bill.

ARTICLE II.

Section I. THE Supreme Executive Power of this commonwealth ſhall be veſted in a Governor.

Section II. The Governor ſhall be choſen on the ſecond Tueſday of October, by the citizens of the commonwealth, at the places where they ſhall reſpectively vote for Repreſentatives. The returns of every election for Governor ſhall be ſealed up and tranſmitted to the ſeat of Government, directed to the Speaker of the Senate, who ſhall open and publiſh them in the preſence of the members of both Houſes of the Legiſlature. The perſon having the higheſt number of votes ſhall be Governor. But if two or more ſhall be equal and higheſt in votes, one of them ſhall be choſen Governor by the joint vote of the members of both Houſes. Conteſted elections ſhall be determined by a committee, to be ſelected from both Houſes of the Legiſlature, and formed and regulated in ſuch manner as ſhall be directed by law.

Section III. The Governor ſhall hold his office during three years from the third Tueſday of December next enſuing his election, and ſhall not be capable of holding it longer than nine in any term of twelve years.

Section IV. He ſhall be, at leaſt, thirty years of age, and have been a citizen and inhabitant of this ſtate ſeven years next before his election; unleſs he ſhall have been abſent on the public buſineſs of the United States or of this ſtate.

Section V. No member of Congreſs, or perſon holding any office under the United States or this ſtate, ſhall exerciſe the office of Governor.

Section VI. The Governor ſhall, at ſtated times, receive, for his ſervices, a compenſation, which ſhall be neither encreaſed nor diminiſhed during the period, for which he ſhall have been elected.

Section VII. He ſhall be Commander in Chief of the army and navy of this commonwealth, and of the militia; except when they ſhall be called into the actual ſervice of the United States.

Section VIII. He ſhall appoint all officers, whoſe offices are eſtabliſhed by this Conſtitution, or ſhall be eſtabliſhed by law, and whoſe appointments are not herein otherwiſe provided for; but no perſon ſhall be appointed to an office within any county, who ſhall not have been a citizen and inhabitant therein one year next before his appointment, if the county ſhall have been ſo long erected; but, if it ſhall not have been ſo long erected, then within the limits of the county or counties, out of which it ſhall have been taken. No member of Congreſs from this ſtate, nor any perſon holding or exerciſing any office of truſt or profit under the United States, ſhall, at the ſame time, hold or exerciſe the office of Judge, Secretary, Treaſurer, Prothonotary, Regiſter of Wills, Recorder of Deeds, Sheriff, or any office in this ſtate, to which a ſalary is by law annexed, or any other office, which future Legiſlatures ſhall declare incompatible with offices or appointments under the United States.

Section IX. He ſhall have power to remit fines and forfeitures, and grant reprieves and pardons, except in caſes of impeachment.

Section X. He may require information, in writing, from the officers in the Executive Department, upon any ſubject relating to the duties of their reſpective offices.

Section XI. He ſhall, from time to time, give to the General Aſſembly information of the ſtate of the Commonwealth, and recommend to their conſideration ſuch meaſures as he ſhall judge expedient.

Section XII. He may, on extraordinary occaſions, convene the General Aſſembly; and, in caſe of diſagreement between the two Houſes with reſpect to the time of adjournment, adjourn them to ſuch time as he ſhall think proper, not exceeding four months.

Section XIII. He ſhall take care that the laws be faithfully executed.

Section XIV. In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of a Governor; the Governor of the last year, or the Speaker of the Senate, who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a Governor shall be qualified as aforesaid.

Section XV. A Secretary shall be appointed and commissioned during the Governor's continuance in office, if he shall so long behave himself well: He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either branch of the Legislature, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

Section I. IN Elections by the citizens, every freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector: Provided that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

Section II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

Section III. Electors shall, in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning from them.

ARTICLE IV.

Section I. THE House of Representatives shall have the sole power of impeaching.

Section II. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

Section III. The Governor, and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office: But judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this commonwealth: The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

ARTICLE V.

Section I. THE Judicial Power of this commonwealth shall be vested in a Supreme Court, in Courts of Oyer and Terminer and General Gaol Delivery, in a Court of Common Pleas, Orphans' Court, Register's Court, and a Court of Quarter Sessions of the Peace for each county, in Justices of the Peace, and in such other Courts as the Legislature may, from time to time, establish.

Section II. The Judges of the Supreme Court and of the several Courts of Common Pleas, shall hold their offices during good behaviour: But for any reasonable cause, which shall not be sufficient ground of impeachment, the Governor may remove any of them,

them, on the addreſs of two-thirds of each branch of the Legiſlature. The Judges of the Supreme Court and the Preſidents of the ſeveral Courts of Common Pleas ſhall, at ſtated times, receive, for their ſervices, an adequate compenſation to be fixed by law, which ſhall not be diminiſhed during their continuance in office; but they ſhall receive no fees or perquiſites of office, nor hold any other office of profit under this commonwealth.

Section III. The juriſdiction of the Supreme Court ſhall extend over the ſtate, and the Judges thereof ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery in the ſeveral counties.

Section IV. Until it ſhall be otherwiſe directed by law, the ſeveral Courts of Common Pleas ſhall be eſtabliſhed in the following manner. The Governor ſhall appoint, in each county, not fewer than three nor more than four Judges, who, during their continuance in office, ſhall reſide in ſuch county: The ſtate ſhall be divided, by law, into circuits, none of which ſhall include more than ſix nor fewer than three counties: A Preſident ſhall be appointed of the courts in each circuit, who, during his continuance in office, ſhall reſide therein: The Preſident and Judges, any two of whom ſhall be a quorum, ſhall compoſe the reſpective Courts of Common Pleas.

Section V. The Judges of the Court of Common Pleas, in each county, ſhall, by virtue of their offices, be Juſtices of Oyer and Terminer and General Gaol Delivery for the trial of capital and other offenders therein: Any two of the ſaid Judges, the Preſident being one, ſhall be a quorum; but they ſhall not hold a Court of Oyer and Terminer or Gaol Delivery in any county, when the Judges of the Supreme Court, or any of them, ſhall be ſitting in the ſame county. The party accuſed, as well as the commonweath, may, under ſuch regulations as ſhall be preſcribed by law, remove the indictment and proceedings, or a tranſcript thereof into the Supreme Court.

Section VI. The Supreme Court and the ſeveral Courts of Common Pleas ſhall, beſide the powers heretofore uſually exerciſed by them, have the powers of a Court of Chancery ſo far as relates to the perpetuating of teſtimony, the obtaining of evidence from places not within the ſtate, and the care of the perſons and eſtates of thoſe, who are *non compotes mentis:* And the Legiſlature ſhall veſt, in the ſaid courts, ſuch other powers to grant relief in equity as ſhall be found neceſſary; and may, from time to time, enlarge or diminiſh thoſe powers, or veſt them in ſuch other courts as they ſhall judge proper for the due adminiſtration of juſtice.

Section VII. The Judges of the Court of Common Pleas of each county, any two of whom ſhall be a quorum, ſhall compoſe the Court of Quarter Seſſions of the Peace, and Orphans' Court thereof: And the Regiſter of Wills, together with the ſaid Judges, or any two of them, ſhall compoſe the Regiſter's Court of each county.

Section VIII. The Judges of the Courts of Common Pleas ſhall, within their reſpective counties, have the like powers with the Judges of the Supreme Court, to iſſue writs of Certiorari to the Juſtices of the Peace, and to cauſe their proceedings to be brought before them, and the like right and juſtice to be done.

Section IX. The Preſident of the Court, in each circuit, within ſuch circuit, and the Judges of the Court of Common Pleas, within their reſpective counties, ſhall be Juſtices of the Peace ſo far as relates to criminal matters.

Section X. The Governor ſhall appoint a competent number of Juſtices of the Peace, in ſuch convenient diſtricts, in each county, as are or ſhall be directed by law: They ſhall be commiſſioned during good behaviour; but may be removed on conviction of miſbehaviour in office, or of any infamous crime, or on the addreſs of both Houſes of the Legiſlature.

Section XI. A Regiſter's office for the probate of wills and granting letters of adminiſtration, and an office for the recording of deeds ſhall be kept in each county.

Section XII. The ſtile of all proceſs ſhall be *The Commonwealth of Pennſylvania;* all proſecutions ſhall be carried on in the name and by the authority of the commonwealth of Pennſylvania, and conclude *Againſt the peace and dignity of the ſame.*

ARTICLE

ARTICLE VI.

Section I. SHERIFFS and Coroners ſhall, at the times and places of election of Repreſentatives, be choſen by the citizens of each county: Two perſons ſhall be choſen for each office, one of whom for each reſpectively ſhall be appointed by the Governor. They ſhall hold their offices for three years, if they ſhall ſo long behave themſelves well, and until a ſucceſſor be duly qualified; but no perſon ſhall be twice choſen or appointed Sheriff in any term of ſix years. Vacancies, in either of the ſaid offices, ſhall be filled by a new appointment to be made by the Governor, to continue until the next general election and until a ſucceſſor ſhall be choſen and qualified as aforeſaid.

Section II. The freemen of this commonwealth ſhall be armed and diſciplined for its defence. Thoſe, who conſcientiouſly ſcruple to bear arms, ſhall not be compelled to do ſo; but ſhall pay an equivalent for perſonal ſervice. The militia officers ſhall be appointed in ſuch manner and for ſuch time as ſhall be directed by law.

Section III. Prothonotaries, Clerks of the peace and Orphans' Courts, Recorders of Deeds, Regiſters of Wills and Sheriffs ſhall keep their offices in the county town of the county, in which they reſpectively ſhall be officers; unleſs when the Governor ſhall, for ſpecial reaſons, diſpence therewith for any term not exceeding five years after the county ſhall have been erected.

Section IV. All commiſſions ſhall be in the name and by the authority of the commonwealth of Pennſylvania, and be ſealed with the ſtate ſeal, and ſigned by the Governor.

Section V. The State Treaſurer ſhall be appointed, annually, by the joint vote of the members of both Houſes. All other Officers in the Treaſury Department, Attornies at Law, Election Officers, Officers relating to taxes, to the poor and highways, Conſtables and other Townſhip Officers ſhall be appointed in ſuch manner as is or ſhall be directed by law.

ARTICLE VII.

Section I. THE Legiſlature ſhall, as ſoon as conveniently may be, provide, by law, for the eſtabliſhment of ſchools throughout the ſtate in ſuch manner that the poor may be taught *gratis*.

Section II. The arts and ſciences ſhall be promoted in one or more ſeminaries of learning.

Section III. The rights, privileges, immunities and eſtates of religious ſocieties and corporate bodies ſhall remain as if the Conſtitution of this ſtate had not been altered or amended.

ARTICLE VIII.

MEMBERS of the General Aſſembly and all officers, executive and judicial, ſhall be bound, by oath or affirmation, to ſupport the Conſtitution of this Commonwealth, and to perform the duties of their reſpective offices with fidelity.

ARTICLE IX.

THAT *the general, great and eſſential Principles of Liberty and free Government may be recognized and unalterably eſtabliſhed, WE DECLARE,*

Section I. THAT all men are born equally free and independent, and have certain inherent and indefeaſible rights, among which are thoſe of enjoying and defending life and liberty, of acquiring, poſſeſſing and protecting property and reputation, and of purſuing their own happineſs.

Section

Section II. That all power is inherent in the people, and all free governments are founded on their authority, and inſtituted for their peace, ſafety and happineſs: For the advancement of thoſe ends they have, at all times, an unalienable and indefeaſible right to alter, reform or aboliſh their government in ſuch manner as they may think proper.

Section III. That all men have a natural and indefeaſible right to worſhip Almighty God according to the dictates of their own conſciences; that no man can, of right, be compelled to attend, erect or ſupport any place of worſhip, or to maintain any miniſtry againſt his conſent; that no human authority can, in any caſe whatever, controul or interfere with the rights of conſcience; and that no preference ſhall ever be given, by law, to any religious eſtabliſhments or modes of worſhip.

Section IV. That no perſon who acknowledges the being of a God and a future ſtate of rewards and puniſhments, ſhall, on account of his religious ſentiments, be diſqualified to hold any office or place of truſt or profit under this commonwealth.

Section V. That elections ſhall be free and equal.

Section VI. That trial by jury ſhall be as heretofore, and the right thereof remain inviolate.

Section VII. That the printing preſſes ſhall be free to every perſon, who undertakes to examine the proceedings of the Legiſlature or any branch of government: And no law ſhall ever be made to reſtrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely ſpeak, write and print on any ſubject, being reſponſible for the abuſe of that liberty. In proſecutions for the publication of papers, inveſtigating the official conduct of officers, or men in a public capacity, or where the matter publiſhed is proper for public information, the truth thereof may be given in evidence: And, in all indictments for libels, the jury ſhall have a right to determine the law and the facts, under under the direction of the court, as in other caſes.

Section VIII. That the people ſhall be ſecure in their perſons, houſes, papers and poſſeſſions from unreaſonable ſearches and ſeizures: And that no warrant to ſearch any place, or to ſeize any perſon or things ſhall iſſue without deſcribing them as nearly as may be, nor without probable cauſe ſupported by oath or affirmation.

Section IX. That in all criminal proſecutions, the accuſed hath a right to be heard by himſelf and his council, to demand the nature and cauſe of the accuſation againſt him, to meet the witneſſes face to face, to have compulſory proceſs for obtaining witneſſes in his favor, and, in proſecutions by indictment or information, a ſpeedy public trial by an impartial jury of the vicinage: That he cannot be compelled to give evidence againſt himſelf, nor can he be deprived of his life, liberty or property, unleſs by the judgment of his peers or the law of the land.

Section X. That no perſon ſhall, for any indictable offence, be proceeded againſt criminally by information, except in caſes ariſing in the land or naval forces, or in the militia when in actual ſervice in time of war or public danger, or, by leave of the court, for oppreſſion and miſdemeanor in office. No perſon ſhall, for the ſame offence, be twice put in jeopardy of life or limb; nor ſhall any man's property be taken or applied to public uſe without the conſent of his Repreſentatives, and without juſt compenſation being made.

Section XI. That all courts ſhall be open, and every man, for an injury done him in his lands, goods, perſon or reputation, ſhall have remedy by the due courſe of law, and right and juſtice adminiſtered without ſale, denial or delay. Suits may be brought againſt the commonwealth in ſuch manner, in ſuch courts and in ſuch caſes as the Legiſlature may, by law, direct.

Section XII. That no power of ſuſpending laws ſhall be exerciſed, unleſs by the Legiſlature or its authority.

Section XIII. That exceſſive bail ſhall not be required, nor exceſſive fines impoſed, nor cruel puniſhments inflicted.

Section XIV. That all priſoners ſhall be bailable by ſufficient ſureties, unleſs for capital offences when the proof is evident or preſumption great; and the privilege of

the writ of Habeas Corpus ſhall not be ſuſpended, unleſs when, in caſes of rebellion or invaſion, the public ſafety may require it.

Section XV. That no commiſſion of Oyer and Terminer or Gaol Delivery ſhall be iſſued.

Section XVI. That the perſon of a debtor, where there is not ſtrong preſumption of fraud, ſhall not be continued in priſon after delivering up his eſtate for the benefit of his creditors in ſuch manner as ſhall be preſcribed by law.

Section XVII. That no *expoſt facto* law, nor any law impairing contracts, ſhall be made.

Section XVIII. That no perſon ſhall be attainted of treaſon or felony by the Legiſlature.

Section XIX. That no attainder ſhall work corruption of blood, nor, except during the life of the offender, forfeiture of eſtate to the commonwealth; that the eſtates of ſuch perſons as ſhall deſtroy their own lives ſhall deſcend or veſt as in caſe of natural death; and if any perſon ſhall be killed by caſualty, there ſhall be no forfeiture by reaſon thereof.

Section XX. That the citizens have right, in a peaceable manner, to aſſemble together for their common good, and to apply to thoſe inveſted with the powers of government, for redreſs of grievances or other proper purpoſes, by petition, addreſs or remonſtrance.

Section XXI. That the right of the citizens to bear arms in defence of themſelves and the ſtate ſhall not be queſtioned.

Section XXII. That no ſtanding army ſhall, in time of peace, be kept up without the conſent of the Legiſlature; and the military ſhall, in all caſes, and, at all times, be in ſtrict ſubordination to the civil power.

Section XXIII. That no ſoldier ſhall, in time of peace, be quartered in any houſe without the conſent of the owner, nor, in time of war, but in a manner to be preſcribed by law.

Section XXIV. That the Legiſlature ſhall not grant any title of nobility or hereditary diſtinction, nor create any office, the appointment to which ſhall be for a longer term than during good behaviour.

Section XXV. That emigration from the ſtate ſhall not be prohibited.

Section XXVI. To guard againſt tranſgreſſions of the high powers which we have delegated, WE DECLARE, That every thing in this article is excepted out of the general powers of government, and ſhall for ever remain inviolate.

SCHEDULE.

THAT no Inconvenience may ariſe from the Alterations and Amendments in the Conſtitution of this Commonwealth, and in order to carry the ſame into complete Operation, it is hereby declared and ordained.

I. THAT all laws of this commonwealth, in force at the time of making the ſaid alterations and amendments in the ſaid Conſtitution, and not inconſiſtent therewith, and all rights, actions, proſecutions, claims and contracts, as well of individuals as of bodies corporate, ſhall continue as if the ſaid alterations and amendments had not been made.

II. That the Preſident and Supreme Executive Council ſhall continue to exerciſe the executive authority of this commonwealth, as heretofore, until the third Tueſday of December next; but no intermediate vacancies in the Council ſhall be ſupplied by new elections.

III. That all offices in the appointment of the Executive Department ſhall continue in the exerciſe of the duties of their reſpective offices until the firſt day of September one thouſand ſeven hundred and ninety-one; unleſs their commiſſions ſhall ſooner expire by their own limitations, or the ſaid offices become vacant by death or reſignation;

tion; and no longer; unleſs re-appointed and commiſſioned by the Governor; except that the Judges of the Supreme Court ſhall hold their offices for the terms in their commiſſions reſpectively expreſſed.

IV. That juſtice ſhall be adminiſtered in the ſeveral counties of the ſtate, until the period aforeſaid, by the ſame Juſtices, in the ſame courts and in the ſame manner as heretofore.

V. That no perſon now in commiſſion as Sheriff ſhall be eligible at the next election for a longer term than will, with the time, which he ſhall have ſerved in the ſaid office, complete the term of three years.

VI. That, until the firſt enumeration ſhall be made as directed in the fourth ſection of the firſt article of the Conſtitution eſtabliſhed by this Convention, the city of Philadelphia and the ſeveral counties ſhall be reſpectively entitled to elect the ſame number of Repreſentatives as is now preſcribed by law.

VII. That the firſt Senate ſhall conſiſt of eighteen members, to be choſen in diſtricts formed as follows, *to wit*: The city of Philadelphia and the counties of Philadelphia and Delaware ſhall be a diſtrict, and elect three Senators: The county of Cheſter ſhall be a diſtrict and ſhall elect one Senator: The county of Bucks ſhall be a diſtrict and ſhall elect one Senator: The county of Montgomery ſhall be a diſtrict and ſhall elect one Senator: The county of Northampton ſhall be a diſtrict and ſhall elect one Senator: The counties of Lancaſter and York ſhall be a diſtrict and ſhall elect three Senators: The counties of Berks and Dauphin ſhall be a diſtrict and ſhall elect two Senators: The counties of Cumberland and Mifflin ſhall be a diſtrict and ſhall elect one Senator: The counties of Northumberland, Luzerne and Huntingdon ſhall be a diſtrict and ſhall elect one Senator: The counties of Bedford and Franklin ſhall be a diſtrict and ſhall elect one Senator: The counties of Weſtmoreland and Allegany ſhall be a diſtrict and ſhall elect one Senator: And the counties of Waſhington and Fayette ſhall be a diſtrict and ſhall elect two Senators: Which Senators ſhall ſerve until the firſt enumeration before mentioned ſhall be made, and the repreſentation in both Houſes of the Legiſlature ſhall be eſtabliſhed by law, and choſen as in the Conſtitution is directed. Any vacancies, which ſhall happen in the Senate, within the ſaid time, ſhall be ſupplied as preſcribed in the nineteenth ſection of the firſt article.

VIII. That the elections of Senators ſhall be conducted, and the returns thereof made, to the Senate, in the ſame manner as is preſcribed by the election laws of the ſtate for conducting and making return of the election of Repreſentatives. In thoſe diſtricts, which conſiſt of more than one county, the Judges of the diſtrict elections within each county, after having formed a return of the whole election within that county, in ſuch manner as is directed by law, ſhall ſend the ſame, by one or more of their number, to the place herein-after mentioned within the diſtrict, of which ſuch county is a part, where the Judges ſo met ſhall compare and caſt up the ſeveral county returns, and execute, under their hands and ſeals, one general and true return for the whole diſtrict, *that is to ſay*, The Judges of the diſtrict compoſed of the city of Philadelphia and the counties of Philadelphia and Delaware ſhall meet in the State Houſe in the city of Philadelphia; the Judges of the diſtrict compoſed of the counties of Lancaſter and York ſhall meet at the Court Houſe in the county of Lancaſter; the Judges of the diſtrict compoſed of the counties of Berks and Dauphin ſhall meet at Middletown in the county of Berks; the Judges of the diſtrict compoſed of the counties of Cumberland and Mifflin ſhall meet in Greenwood townſhip, county of Cumberland, at the houſe now occupied by David Miller; the Judges of the diſtrict compoſed of the counties of Northumberland, Luzerne and Huntingdon ſhall meet in the town of Sunbury; the Judges of the diſtrict compoſed of the counties of Bedford and Franklin ſhall meet at the houſe now occupied by John Dickey, in Air townſhip, Bedford county; the Judges of the diſtrict compoſed of the counties of Weſtmoreland and Allegany ſhall meet in Weſtmoreland county, at the Court Houſe in the town of Greenſborough; and the Judges of the diſtrict compoſed of the counties of Waſhington and Fayette ſhall meet at the Court Houſe in the town of Waſhington in Waſhington county, on the third Tueſday in October reſpectively for the purpoſes aforeſaid.

IX. That the election of the Governor ſhall be conducted, in the ſeveral counties, in the manner preſcribed by the laws of the ſtate for the election of Repreſentatives; and

and the returns in each county ſhall be ſealed by the Judges of the elections and tranſmitted to the Preſident of the Supreme Executive Council, directed to the Speaker of the Senate, as ſoon after the election as may be.

DONE in Convention, the ſecond Day of September, in the Year of our Lord one thouſand ſeven hundred and ninety, and of the Independence of the United States of America the fifteenth. IN TESTIMONY whereof we have hereunto ſubſcribed our Names.

THOMAS MIFFLIN, PRESIDENT.

James Wilſon,	Paul Groſcop,
Hilary Baker,	Baltzer Gehr,
William Lewis,	Samuel Sitgreaves,
Thomas M'Kean,	John Arndt,
George Gray,	Peter Rhoads,
William Robinſon, junior,	Joſeph Powell,
Robert Hare,	John Piper,
Enoch Edwards,	Charles Smith,
Samuel Ogden,	Simon Snyder,
Thomas Jenks,	William Findley,
John Barclay,	William Todd,
Abraham Stout,	Alexander Addiſon,
William Gibbons,	John Hoge,
Thomas Bull,	David Redick,
James Boyd,	James Roſs,
Edward Hand,	John Smilie,
Robert Coleman,	Albert Gallatin,
Sebaſtian Graff,	James M'Lene,
John Hubley,	George Matthews,
John Breckbill,	James Morris,
Henry Miller,	Lindſay Coates,
Henry Slegle,	Jonathan Shoemaker,
William Reed,	John Gloninger,
Benjamin Tyſon,	William Brown,
Benjamin Pedan,	Alexander Graydon,
Matthew Dill,	Timothy Pickering,
William Irvine,	Andrew Henderſon,
James Power,	John Gibſon,
Joſeph Heiſter,	Thomas Beale,
Chriſtian Lower,	John Sellers,
Abraham Lincoln,	Nathaniel Newlin.

Atteſt.

Joſeph Redman, *Secretary.*
Jacob Shallus, *Aſſiſtant Secretary.*

On motion, Ordered, That three thouſand five hundred copies of the ſaid Conſtitution be printed in the Engliſh language, and one thouſand five hundred of the ſame in the German language, for the information of the citizens of this ſtate.

The Convention then, agreeably to the order of proceſſion, proceeded to the Court Houſe in Market-ſtreet to make proclamation of the Conſtitution, and having returned to their chamber,

It was, on motion, ordered, That the Secretary be directed to deliver the engroſſed copy of the Conſtitution of the commonwealth of Pennſylvania to the Maſter of the Rolls, in order that the ſame may be recorded.

Which was accordingly done in the preſence of the Convention.

Whereupon, on motion of Mr. Lewis, ſeconded by Mr. Miller,

Reſolved, That the thanks of this Convention be preſented to his Excellency the Preſident for his able and upright diſcharge of the duties of his ſtation.

The Convention then roſe *ſine die.*